

NEW HAMPSHIRE

John W. Prescott, Raymond.

PENNSYLVANIA

Frank L. Allen, Allenwood.
James L. Schmonsky, Clarendon.
John H. Shields, New Alexandria.
Lina E. Williams, Reno.
Harold G. Freeman, Sinking Spring.
Wave Ledrew Blakeslee, Spartansburg.

TEXAS

Clyde T. Martin, Hubbard.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 17, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, our light and our salvation, whose days are without beginning and without end, grant that by Thy holy inspiration we, the servants of our Republic who are joined together in this undertaking, may know what we ought to do, and that by Thy grace we may be enabled to perform the same. Grant us, we humbly beseech Thee, such prosperity as Thou seest to be good for us, and make us to abound in such works as may be pleasing unto Thee. With clear vision and earnestness of purpose may we stand looking into the day expectantly, ready for its duties and responsibilities. Believing in Thee and in our homeland, O Lord God, let us have a heart for any service. Unto Thy name be eternal praises, through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. SNELL. Mr. Speaker, I ask unanimous consent that immediately after the disposition of the special orders for today—the gentleman from Ohio [Mr. CROSSER], 30 minutes, and the gentleman from New York [Mr. CELLER], 10 minutes—that the gentleman from Massachusetts [Mr. TREADWAY] may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, does the gentleman mean today?

Mr. SNELL. That is my request, after these gentlemen have concluded their remarks.

Mr. BANKHEAD. The gentleman knows we have the Private Calendar today and a great many Members are deeply interested. I have had serious complaints about not being able to have the omnibus bills considered. I wonder if the gentleman could not postpone his request.

Mr. SNELL. There are certain reasons why we desire to have the opportunity today, and considering the fact that Members on the gentleman's side of the aisle have been granted 40 minutes I do not think it is unreasonable that we should ask for 20 minutes.

Mr. BANKHEAD. No; I do not think it is unreasonable. I regret that we cannot go along right now with the Private Calendar. I am just suggesting the difficulties to the gentleman from New York. I do not want to be unfair, and it would appear to be unfair, of course, to refuse the gentleman from Massachusetts 20 minutes.

Mr. SNELL. Yes; it would be unfair inasmuch as the gentleman's side has 40 minutes.

Mr. BANKHEAD. I shall not object to the gentleman's request, under all the circumstances, but I am very anxious to go ahead with the calendar.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

INDEPENDENT OFFICES APPROPRIATION BILL, 1937

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to have until midnight tonight to file a conference report on the bill (H. R. 9863) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1937, and for other purposes.

The SPEAKER. Is there objection?

Mr. TABER. Mr. Speaker, reserving the right to object, does the gentleman expect to bring the bill up tomorrow?

Mr. WOODRUM. If it comes from the Senate. The Senate has to act on it first. I understand they will take action today. It is the intention to call it up the first thing tomorrow.

Mr. RICH. Mr. Speaker, reserving the right to object, is there going to be a reduction in this bill from what it was last year?

Mr. WOODRUM. I will give the gentleman full information tomorrow. If the gentleman will stick around tomorrow, I will tell him.

Mr. RICH. We would like to see the bill brought in with some reduction.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

TREASURY AND POST OFFICE APPROPRIATION BILL, 1937

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10919), making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes, together with Senate amendments thereto, disagree to the Senate amendments, request a conference with the Senate, and ask that the Chair appoint managers on the part of the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. TABER. Mr. Speaker, reserving the right to object, I understand this bill comes back here with practically all of the cuts that our committee made, and which this House approved, restored to the bill. I am in hopes the conferees will stand by the position of the House to the limit and try to save some money for the Treasury. [Applause.]

Mr. FIESINGER. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. FIESINGER. Is the gentleman speaking about the War Department bill?

Mr. TABER. No; the Treasury-Post Office bill.

Mr. LUDLOW. Mr. Speaker, may I submit the observation, in connection with what the gentleman from New York has said, that, speaking as one conferee, I am in hearty agreement with his position at least as to the main items in the bill. As a Member of Congress interested in economy, I am positively opposed to the way the other body has loaded this bill with amendments that drain the Federal Treasury.

Mr. TABER. I appreciate that.

Mr. BLAND. Mr. Speaker, reserving the right to object, I call the attention of the gentleman and the conferees to the elimination of the provision made in the House bill for the ocean-mail contracts. A most serious situation will develop if this cut is made. There is a little under \$85,000,000 due from persons who have borrowed from the construction-loan fund. In addition, there is grave danger that the business of these lines will be materially interfered with. The situation is most serious. I know it was stated in the Senate that this could be restored in the deficiency bill. This is possible if a subsidy bill is not passed; but, in the meantime, with the chaotic condition that will exist, with the fear on the shippers that the lines are to be put out of business or thrown into bankruptcy, there will be a tendency of business to go to the foreign lines, and it will be an aid and comfort to the foreign lines. It will be destructive of the American merchant marine.

I feel that this House was right in providing this appropriation. It was justified in obeying the existing law and

carrying out contracts that have been made. The President has the power to cancel these contracts if he sees fit to do so. In my opinion, he has exercised wise judgment so far in not exercising that power.

I believe to cut out this provision at this time would imperil the existence of the merchant marine, encourage foreign commerce, turn shippers to foreign flags, and send many of these lines into bankruptcy.

Mr. LUDLOW. Mr. Speaker, will the gentleman yield?

Mr. BLAND. I yield.

Mr. LUDLOW. I assure the gentleman, who is one of the very ablest champions of an adequate merchant marine, that all of the facts and circumstances he mentions will be given very careful consideration.

Mr. BLAND. I am sure they will be by the gentleman. I am simply reminding the conferees about the gravity of the situation.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. LUDLOW, BOYLAN, GRANFIELD, O'NEAL, TABER, and McLEOD.

CONSTRUCTION OF A 300-TON AIRSHIP FOR MILITARY SERVICE

Mr. O'CONNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. O'CONNELL. Mr. Speaker, the bill H. R. 10186, which I filed January 14, entitled "Construction of a 300-ton airship for military service", has attracted tremendous interest, as expressed by Members of Congress and by the personnel of several Government departments. It was also widely reported in the press of America.

This bill should attract attention, for with the demonstration of this airship there may be constructed, for commercial service, a great fleet of such airships that can be designed to be converted to military use for the protection of our country. With 50 of these airships we may have the best defense of any nation in the world. With 50 of these airships we would have 50 well-armed "airports" high up in the skies, and these "airports", with their squadrons of military planes, could be moved at 100 miles per hour to be concentrated whenever danger threatens.

With 50 of these airships we may protect our cities, our munitions factories, and our vital transportation lines from bombing attack, or with them we could send a group of a thousand military airplanes to any part of the world, a concentrated force no other nation may withstand, and in doing this we would endanger the lives of only 5,000 men.

We may risk the sum of \$6,000,000 to prove the value of the first airship, and we may have to accept the judgment of our American engineers that this airship structure is safer, stronger, and more adaptable for airship service than is the German Zeppelin frame, upon which the Akron and Macon were constructed. We may have to recognize that the American engineers who have designed and constructed our great suspension bridges know the type of structures that will best stand aerodynamic stresses, and we may have to risk \$6,000,000 on their judgment. It is worth it.

Because we have accepted the advice of Zeppelin engineers and have lost two airships, shall we continue to follow their advice and ignore our American engineers? Are we not warranted in at least showing our faith in American construction methods by giving our engineers a trial in airship construction?

The chief difference between the Respass airship and the Zeppelin airship is that Respass employs a suspension-bridge type frame and the Zeppelin employs an arch-bridge type frame. The suspension bridge is 40 percent lighter in weight than the arch bridge, and in a structure for an airship, where great strength and light weight is most important, the suspension bridge should be the superior type.

An airship requires a frame which must be strong and dependable, but must be of light weight. Upon this frame a cover is attached, and gas bags, as balloons, are installed

to lift the airship; engines are positioned to propel the airship, and control means are provided to direct its course.

The *Graf Zeppelin* has demonstrated the commercial value of the airship, and the operations of the *Akron* and *Macon* have indicated that the airship might be constructed to be valuable in military service. But the Zeppelin construction may not be the last word in engineering improvement, for the same type of construction has been followed in the Zeppelin airship for 30 years. Are we not warranted in believing American ingenuity and engineering skill can make such improvement?

There have been some comments expressed as to the possibility of constructing so large an airship to be safe, to provide the speed of 120 miles per hour, to carry 20 military airplanes, with sufficient armament for its protection, a crew of 100, with military supplies and fuel for long flights.

In America we construct suspension bridges that are several thousand feet long, and engineers who designed many of these bridges have stated they would accept a commission to design and supervise the construction of a suspension-bridge type airship frame of any size that may be desired. These engineers, having full knowledge, so far as aerodynamics is now known, of the stresses this structure must withstand, would design and build accordingly.

The total lift of an airship depends chiefly upon the volume of lifting gas in its interior balloons. Ten million cubic feet of helium gas would lift 300 tons. In a Respass airship of 10,000,000 cubic feet helium gas capacity approximately 250,000 pounds may be the fixed weight of the structure, cover, gas bags, equipment, and so forth, leaving approximately 350,000 pounds of what is termed useful weight.

This useful weight may be apportioned to provide engines, fuel, ballast, crews' quarters, and supplies, with quarters for passengers, mail, and freight when in commercial service, or for carrying airplanes, armament, military equipment, and supplies when employed in military service.

The speed of an airship is controlled chiefly by the total of its engine horsepower in proportion to the displacement of the airship. A sufficient part of the 175 tons useful load can be allotted to engines to provide a speed of 120 miles per hour, and the suspension bridge frame structure will provide the strength to withstand such speed.

To transport and service 20 military airplanes is also possible through an allotment of a part of the useful load. The *Akron* and *Macon* each demonstrated the practicability of transporting several airplanes, which were released and taken back into the airship hundreds of times. The airplanes contemplated in the bill H. R. 10186 would be the most improved type of military planes that may be redesigned without ground-landing gear, and saving approximately 33 percent of the weight, thus such airplanes may be faster and a better military unit than the planes that are required to land on the ground.

The armament of this airship may be rapid-fire guns of larger caliber and much longer range than guns carried by airplanes. These guns may be placed to fully cover all angles of approach to the airship and with the airship operating at 20,000 feet altitude its guns may reach an airplane at 30,000 feet altitude. The Respass suspension bridge structure of elastic steel cable is capable of withstanding the shock of larger guns if required.

There should be no experiment in building the Respass suspension-bridge-frame airship, for it is actually a most highly perfected "self-anchored" suspension bridge. The Brooklyn Bridge, at New York, which has given nearly 70 years' service, is a worthy demonstration of the suspension-bridge structure, and engineers of national and international reputation, who have designed and constructed our great bridges, both the arch-frame and the suspension types, have endorsed the use of the suspension-bridge structure for airships.

Whatever has been proven practical and of value, as demonstrated by the Zeppelin airships, is equally practical with the Respass airship. They both have gas cells that lift, engines that propel, and controls for guidance. The substi-

tution of a different type of frame will not change these necessary features. Thus the Respass airship is no more an experiment than the Zeppelin airship or the suspension bridge. As compared with the Zeppelin, however, the Respass airship has the following advantages:

- First. Greater strength and safety.
- Second. Greater inherent strength.
- Third. Increased length of life.
- Fourth. Decreased maintenance costs.
- Fifth. More efficient use of material.
- Sixth. Reduction in cost of construction.
- Seventh. Reduction in time of construction.
- Eighth. Ease of construction.
- Ninth. Simplicity, accuracy, and definiteness of calculation.
- Tenth. The stresses in this airship never reverse, thereby removing all fear of failure in the hull through fatigue and crystallization.

Eleventh. The net pay load will be unusually high, facilitating economical commercial operation.

These advantages were enumerated in an analysis and report by Messrs. Robinson and Steinman, consulting engineers, 117 Liberty Street, New York City, upon their examination of the plans for a Respass airship, 147 feet in diameter by 785 feet long, that was designed in accordance with specifications prepared by the Bureau of Aeronautics of the Navy Department for the construction of the *Akron* and *Macon*. Messrs. Robinson and Steinman are internationally recognized as authorities on arch frame and suspension-bridge structure, and the accuracy of their analysis has been subsequently endorsed by many of the world's leading structural and aerodynamic engineers.

There are several airship bills now presented for action by Congress. Congress may be also asked to experiment further with Zeppelin type airships constructed in the United States. It also may be suggested we should order Zeppelin airships from Germany. One bill in Congress provides limited airship construction and experimentation over a period of several years before any new type of American airships be constructed. This bill indicates another airship of the *Akron* and *Macon* type may be constructed.

I feel we should have American-designed airships as soon as they may be constructed. If we do any further "experimenting", we should do it now with large airships that may demonstrate their value for extending our overseas commerce and for military service if the need should arise for such use. These airships should be fully insured for our protection.

I think the Zeppelin design airships can be improved by our American engineers. Such improvement may result from the acceptance by Congress of the bill H. R. 2744 for commercial airship construction and operation, and the bill H. R. 10186 for the construction of a 300-ton military airship.

The inventor of the suspension bridge airship is Mr. Roland B. Respass, who is a southerner now residing in my district in Rhode Island. An inventor by profession, Mr. Respass has been successful to the extent he has been able to personally expend a very large sum, received from other inventions, in the design of the suspension-bridge airship, the construction and test of models to establish the definiteness of this structure, in employing American engineers of international repute to study this type of airship design and in an effort to secure governmental support.

He has followed the unusual procedure of determining the value of his invention before announcing it publicly. If Congress had given Mr. Respass a hearing 12 months ago I feel Congress may have then approved the bill H. R. 2744, and we might now have two American airships as large as the new Zeppelin *L. Z. 129* either completed or nearing completion. When the new Zeppelin visits our country this summer we should remember this.

Shall we continue to ignore the present opportunity to establish a major form of rapid transportation, with which we may extend our overseas trade, and may establish a military defense with which only 5,000 trained men may become an unbeatable force in the defense of our Nation.

I urge my colleagues in Congress to study and to actively support the bills H. R. 2744 and H. R. 10186. Thus we may

begin airship construction without further delay. We need new industries to supply work for our surplus labor and this may be part of the answer.

If further information as to the commercial value of large airships is desired, I recommend a study of the data supplied by the Honorable ERNEST LUNDEEN in the House of Representatives February 11, 1936, as published in the CONGRESSIONAL RECORD of that date.

CAN WE AFFORD ROOSEVELT'S NEW DEAL?

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address which I delivered last Friday afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ROGERS of Oklahoma. Mr. Speaker, under leave to extend my remarks in the RECORD I insert the following radio address by me March 13, 1936:

Friends of the radio world, it is a pleasure to speak to you at this hour under the auspices of the National Broadcasting Co. This feature program entitled "Congress Speaks" was initiated a little more than a year ago. It was my privilege to be the first to address the radio world when this program was inaugurated. I come to you today, a little more than 3 years after the present administration assumed power, to ask you the simple question, Can we afford Roosevelt's New Deal? This, I believe, is pertinent at this time in view of the outspoken opposition of our enemies, who would have us believe that the accomplishments of the present administration are not commensurate with expenditures involved.

One of the questions heard most often on the floor of the House today is, Where are you going to get the money? This is a simple question and can be answered simply. In the end the people must pay for benefits received. Obviously some will have to pay more than others, but this is as it should be, for, after all, the wealth of this great Nation belongs to all the people, and all the people should share it. Just and equitable taxes can be levied requiring those who have an undue amount of worldly goods to share their part of the burden of caring for the less fortunate.

Answering the inquiry: Where are you going to get the money?—by saying that the people will pay for the benefits the people have received and are now receiving, there remains but one proposition to consider when we ask: Can we afford Roosevelt's New Deal? And that is: Do the accomplishments of the present administration balance the expenditures? I come to you today as a humble champion of the great man in the White House, Franklin D. Roosevelt, and I say, without any hesitancy and without fear of contradiction, that when we carefully and honestly survey the benefits that have come to us through the efforts of the present administration we must admit that we can afford Roosevelt's New Deal.

We must conclude that every part of the great revitalizing process so ably prosecuted by President Roosevelt has been in an effort to restore this Nation, to rout poverty, to stabilize agricultural products, to stimulate the wheels of industry, to solve the monetary problems, to provide social security, and to accomplish many other purposes definitely antidepression.

Ladies and gentlemen, when the present administration assumed control of our Government we were in the midst of the most terrible depression the American people had ever known. Our domestic trade was stagnant, our foreign commerce was paralyzed, our factories were closed, our mines were shut down, and 12,000,000 idle men and women, who were willing, able, and anxious to work, were out of employment. This condition existed with our land teeming with abundance, with more corn, more wheat, more cotton, more manufactured articles—more of almost everything necessary to sustain human life and contribute to human comforts than was ever known before in all the history of mankind—yet bread lines were stretching down the streets of our cities, men and women and children from the best families of our country were forced to eat the bread of charity or beg from door to door, people who will not get the chill of humiliation out of their blood for two or three generations. Our farmers—forced to sell their crops below the cost of production, corn for less than one-fourth its normal value, cotton for less than one-third, and wheat for the lowest figures it had reached in 500 years—saw their lands and stocks swept away for debts, and their homes sold for taxes that were levied when their crops were bringing normal value, and which they had a moral right to pay with the same price dollars used at the time these obligations were incurred.

Ladies and gentlemen, behind every cloud there is a silver lining.

The history of the world commits itself to a distinct, self-evident tradition that in times of great national emergency there has invariably arisen a forthright leader able to command the loyal obedience of his countrymen by the sheer genius of his personality and the profoundness of his program. Since the birth of our Nation, tracing our progress by the landmarks of critical emergencies overcome, we can pause and reflect in the security that America has, without fail, been equal to the exigency of every occasion. Whether it has been righteous reform or crucial revolution, there has always emerged some American who, by masterful precision, patriotic compassion, and keenness of intel-

lect, has wrested calm out of chaos and order out of confusion. Whether it has been "taxation without representation", "imperialistic infringement" of other nations, "secession from the Union", "autocracy or democracy", or war against economic bondage, as now engages our attention, America has steadfastly been able to produce on every occasion "the man of the hour." Today that man is Franklin D. Roosevelt.

Realizing that the accomplishments to date have been made under the direct leadership and by the forethought of President Roosevelt, it is well to consider here our progress under his banner since March 4, 1933. We have emerged from the depths of the most terrible depression the American people have ever known.

Our domestic trade has been awakened, our foreign commerce has considerably improved, smoke replaces cobwebs in our principal factories, the glow from the miner's headlamp is once more apparent, and our unemployment has actually decreased through governmental and private enterprise. Recently President Roosevelt flung far and wide the challenge to the American people to take stock of themselves. Our great President requested us all, individually, to ask ourselves the question, "Am I better off than I was in March 1933?" This bold fearless challenge was pointed to by Republicans and other antiadministrationists as a positive boomerang to the New Deal. Like many other cherished hopes of the opposition, this predicted boomerang failed to materialize. The die-hards and soreheads have failed utterly to reckon with the Roosevelt policy, the Roosevelt popularity, the Roosevelt frankness, and above all, the Roosevelt strategy. Apparently the great masses of the American people have accepted the challenge of the President, for the anti-Roosevelt forces have quit talking about the matter.

When President Roosevelt was inaugurated a little more than 3 years ago, he repeated before the Chief Justice of the United States his oath that he would, to the best of his ability, faithfully execute the office of the President, preserve, protect, and defend the Constitution. This was a higher promise than any made in either party platform or in any campaign speech by Franklin D. Roosevelt. The promise he made when he took his oath of office bound him to preserve the Government at any cost. Ladies and gentlemen, President Roosevelt has preserved our Government. The cost has been great, but it has been a big job. Instead of bankrupting the Nation as the opposition predicted, President Roosevelt has, in preserving democratic government, rescued us from bankruptcy and is now heading us on the road to recovery. While the President has been preserving our Government he has been called a Socialist, a Communist, a Fascist, and a dictator; but the fact is that the present administration has probably saved our country from socialism, communism, fascism, dictatorship, and even incipient revolution.

Ladies and gentlemen, even if the cost had been five times what it has, the accomplishment of the present administration would have justified the expenditures. Even though we take no account of the fact that a Government has been preserved and that our people have been saved from starvation, misery, and want, the rise in the national income alone during the last 3 years justifies the cost of the New Deal. We will remember that while the previous administration was piling up a deficit of approximately \$5,000,000,000, our national annual income fell from almost ninety billion to about forty billion dollars. Add to this the unemployment created, the misery and the suffering of a great people, and the destruction of their morale and we have the cost entailed by the previous administration.

Ladies and gentlemen, even though the opposition may contend that we cannot afford Roosevelt's New Deal, we submit the accomplishments of the present administration in support of the proposition that we can afford Roosevelt's New Deal. Agriculture has been aided. In 1933, the farmers' cash income was two and one-half billions greater than in 1932. Foreclosures have been stopped by F. C. A. loans. Profitable prices have replaced bankruptcy prices. In spite of a serious Court set-back, a national program of soil conservation and planned production is again being administered. The H. O. L. C. has saved a million city families from eviction, and many private lending insurance companies have been made solid. The H. O. L. C. on its mortgages and the R. F. C. on its loans to finance industry have established a record of collections on the billions loaned. Utility rates have been widely reduced. Schools have been kept open by the program of Federal aid for education. Labor has received recognition never recorded in any previous administration. It has gained the right to bargain collectively, and has secured means of enforcing that right. Relief has been extended to millions of our fellow citizens. Employment has been provided for those who previously walked the streets, seeking in vain for work that could not be found. The C. C. C., P. W. A., and the W. P. A. have helped to relieve the unemployment problem, besides adding many improvements of a useful and permanent nature.

These programs have made it possible for our people to secure work and at the same time retain their morale, which is so necessary under a democratic form of government. Government work has been made necessary because private industry has been unable to cope with the ravaging effects of the depression, but now business is better because of the accomplishments of the present administration. The business index has advanced from 60 to 95 percent of an estimated normal. Our banking system, which was prostrate when President Roosevelt assumed his office, has been repaired until the confidence of depositors has been raised from the lowest to possibly the highest ebb known in the history of our country. When the President was inaugurated, banks were closing their doors by the thousands, but today bank failures seem a thing

of the past. A measure of social security has been established by unemployment insurance and pensions for our aged people. The effects of this program, as soon as same can be realized, will go a long way toward averting future depressions.

The Nation 3 years ago was caught in a maelstrom of devitalizing confusion and prejudice, with the forces of construction vesting their welfare in the sympathetic and responsive personality of Roosevelt. The President has launched forth in a manner comparable to George Washington to check and overthrow a political imperialism and a capitalistic oligarchy. Like Washington, he has promulgated ideas and changes that are revolutionary. The spirit of each was conceived in an ever-watchful and an ever-responsive attitude to safeguard American welfare.

America, with Franklin D. Roosevelt in the White House, entered upon a new path of national destiny. From the proclamation ordering the bank holiday to the personal message by the President to the heads of 54 nations, Roosevelt advanced from a vigorous and compelling national leader to a wise and humane world leadership. Behind this phenomenon lies a series of facts—issues, events, personalities—upon which the fate of a man and the destiny of a nation rest. The circumstance of Mr. Roosevelt's nomination and election is too profoundly a part of America's present survival and future progress to be left loosely spread over the incoherent reportings of the daily press and ephemeral reflections of periodical comment. Even today we cannot see clearly whither events are leading nor how far we may be carried before equilibrium is reached and this sliding civilization of ours shall once more come to rest. Of one thing we are sure, that the great man in the White House today is bending his every effort for the betterment of his country, and we know we are safe in his hands.

Oh, I know we are not yet "out of the woods"; but admitting all blunders and minimizing the many accomplishments of the present administration no one can deny that President Roosevelt has saved us from chaos, freed us from despair, and restored our faith and confidence.

Ladies and gentlemen, we can afford Roosevelt's New Deal, and we must continue to support his program in the hope that recovery from the depression will continue and that conditions will soon return to normalcy.

Paraphrasing the words of that great orator, Patrick Henry, I know it is natural for men to indulge in the illusions of hope. I know we are apt to shut our eyes to a painful truth and listen to the song of that siren until she transforms us into beasts. And I know that this is not the part of wise men engaged in a great and arduous struggle for life, property, and the pursuit of happiness. And I hope we will not be of that number who, having eyes see not, and having ears hear not the things that so vitally affect our very existence. God forbid that we fail to do our duty in this the greatest crisis in the history of our country. I trust that we may all work and hope and pray that America march forward and onward, supporting the New Deal with President Roosevelt in the interest of all the people and not a favored hereditary few. If we do this the specter of unemployment, poverty, and greed will be supplanted by the Golden Rule rather than the rule of gold which has so dismally engulfed us.

EXEMPTION FROM TAXATION OF CERTAIN ASSETS OF RECONSTRUCTION FINANCE CORPORATION

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution, which was referred to the House Calendar and ordered printed:

House Resolution 451

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3978, an act "Relating to taxation of shares of preferred stock, capital notes, and debentures of banks while owned by the Reconstruction Finance Corporation and reaffirming their immunity." That after general debate, which shall be confined to the bill and continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. SNELL. Mr. Speaker, is this a rule to take up a bill that was defeated in the House last week sometime?

Mr. SABATH. I do not know whether it was defeated. I think it was before the House for consideration.

Mr. SNELL. Was it not defeated?

Mr. SABATH. I was not here that day.

Mr. BLANTON. It was defeated under the two-thirds rule.

Mr. SNELL. May I ask the Majority Leader the question?

Mr. BANKHEAD. It is not the same bill. It is a similar bill. This is the Senate bill.

Mr. MARTIN of Massachusetts. It is the same bill with an amendment which the House rejected.

Mr. BANKHEAD. I do not know.

Mr. SNELL. It seems to me that somebody on that side ought to know something about a bill which is going to be brought up here for consideration. This is a bill that was rejected last week.

Mr. SABATH. This has been requested by the Banking and Currency Committee. There is a unanimous report, and a unanimous request for the rule.

Mr. SNELL. I think they ought to know what the bill is all about.

Mr. SABATH. This is an open rule.

Mr. BANKHEAD. Has the gentleman received the information he desires?

Mr. SNELL. I did not get any information except that the gentleman did not know anything about the bill they are going to bring up.

Mr. SABATH. It is a similar bill, I may say, but there is an amendment.

Mr. SNELL. Is it the amendment that was rejected by the House last week?

Mr. SABATH. I am informed not.

Mr. BLANTON. Will the gentleman from Illinois yield?

The SPEAKER. The Chair may say that all this conversation is out of order.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to ask the gentleman from Illinois one question.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. I want to ask the gentleman from Illinois if it is not a fact that a bill called up under suspension which requires a two-thirds vote, and it lacks the two-thirds vote, is not defeated.

Mr. SNELL. I would like to answer the gentleman's question.

Mr. SABATH. The gentleman from New York is familiar with what happened.

Mr. SNELL. Yes; I am familiar with what happened. It was defeated under a regular vote, not under suspension at all.

SHALL CONGRESS PREVENT LOCAL COMMUNITIES AND THE DIFFERENT STATES FROM PROPERLY TAXING LOCAL PROPERTY USED FOR PRIVATE GAINS?

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an excerpt from existing laws.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the Reconstruction Finance Corporation has authorized the purchase of \$100,000,000 in preferred stock of national banks. The money has not as yet been paid and will not be paid until the bill to exempt the stock from taxation is finally passed upon by Congress. This bill is to be before the House the second time this session tomorrow, March 18, 1936. If the bill passes as proposed by the Banking and Currency Committee, local communities, including States, counties, and political subdivisions, will be compelled to strike from their tax rolls a hundred million dollars' worth of taxable property. The banks receiving this money will be charged 3½-percent interest. My information is that the banks would not object to paying the local taxes in addition to the 3½-percent interest, as they would then be getting a good bargain, but the law, if this bill passes, will prevent them from paying the taxes unless they want to make a direct contribution, and I doubt that the directors would feel authorized to do that.

ON ONE DISBURSEMENT, NOT YET MADE, BANKS WILL BE SAVED
\$2,000,000 A YEAR

It is my impression that the Reconstruction Finance Corporation would not object to writing into their contracts with these banks a provision that they will take care of all local taxes as heretofore, but the Reconstruction Finance Corporation cannot require this unless the Banking and Currency Committee's recommendations are changed. In other words, the Banking and Currency Committee is asking us to vote for a bill that will withdraw from taxation a hundred

million dollars in taxable property that is now upon the tax books of the different States and local governments, and the committee refuses to recommend an amendment that will permit these banks to pay the local taxes or permit the R. F. C. to require the taxes to be paid. This means a difference of about \$2,000,000 a year on this \$100,000,000 purchase. I presume that the members of this committee have reasons sufficient in their own minds to justify this action, but I fail to see upon what theory such a course is taken.

HOW BILL SHOULD BE CHANGED

This bill should be changed so that the Reconstruction Finance Corporation may require the payment of local taxes in all new contracts, and the banks receiving the money will be permitted to pay the taxes as heretofore. A new section should be inserted immediately after section 302, title 3, of the act approved March 9, 1933, as amended, and designated as section 302 (a), reading as follows:

Notwithstanding any other provision of law, any national banking association may, with the approval of the Comptroller of the Currency, pursuant to action taken by its board of directors, issue to the Reconstruction Finance Corporation its capital notes or debentures in such amounts and with such maturities as the Comptroller of the Currency may approve. The holders of such capital notes or debentures shall be entitled to receive such interest, at a rate not exceeding 6 percent per annum of the principal amount thereof, and shall have such conversion rights, priorities, control of management, and other rights, and such capital notes or debentures shall be subject to retirement or redemption in such manner and upon such conditions as may be provided therein with the approval of the Comptroller of the Currency.

Section 303 of said act approved March 9, 1933, as amended, should also be further amended by inserting after the words "preferred stock", appearing in the last sentence of said section, a comma and the words "or capital notes or debentures."

Section 304 of title 3 of said act approved March 9, 1933, as amended, should be further amended, as follows:

Strike out the words "preferred stock" appearing in the first sentence of said section and insert in lieu thereof the words "or purchase preferred stock, capital notes, or debentures" and strike out the third sentence of said section.

DEFEAT IT IF AMENDMENTS NOT ACCEPTED

Unless these amendments are inserted, the bill should be defeated.

These amendments will not take care of past transactions but will make it possible to prevent future transactions that will remove local property from local taxation.

SERIOUS INJUSTICE TO CERTAIN STATES

If this bill passes, it will upset the tax laws in a great majority of the States that have passed laws in conformity with an act of Congress.

THREE METHODS STATES MAY USE TO TAX NATIONAL BANKS

Section 5219 of the Revised Statutes Act of June 3, 1864, provides as follows:

548. State taxation: The legislature of each State may determine and direct, subject to the provisions of this section, the manner and place of taxing all the shares of national banking associations located within its limits. The several States may tax said shares, or include dividends derived therefrom in the taxable income of an owner or holder thereof, or tax the income of such associations, provided the following conditions are complied with:

1. (a) The imposition by said State of any one of the above three forms of taxation shall be in lieu of the others.

(b) In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State coming into competition with the business of national banks: *Provided*, That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with such business, shall not be deemed moneyed capital within the meaning of this section.

(c) In case of a tax on the net income of an association, the rate shall not be higher than the rate assessed upon other financial corporations nor higher than the highest of the rates assessed by the taxing State upon the net income of mercantile, manufacturing, and business corporations doing business within its limits.

(d) In case the dividends derived from the said shares are taxed, the tax shall not be a greater rate than is assessed upon the net income from other moneyed capital.

2. The shares or the net income as above provided of any national banking association owned by nonresidents of any State, or

the dividends on such shares owned by such nonresidents, shall be taxed in the taxing district where the association is located and not elsewhere; and such associations shall make return of such income and pay the tax thereon as agent of such nonresident shareholders.

3. Nothing herein shall be construed to exempt the real property of associations from taxation in any State or in any subdivision thereof, to the same extent, according to its value, as other real property is taxed.

4. The provisions of section 5219 of the Revised Statutes of the United States as in force prior to March 4, 1923, shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof, to the extent that such tax would be valid under said section. (R. S., sec. 5219; Mar. 4, 1923, c. 267, 42 Stat. 1499.)

Thirty-one States in the United States have elected by their respective laws to tax national banks upon their shares of stock. These States are as follows: Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, and West Virginia.

Seventeen States and the District of Columbia have elected to tax national banks according to earnings on their shares of stock, or according to the income of the corporation, but do not tax directly the shares of stock. According to the Federal law, if a State elects to tax according to one of the three methods, it cannot levy taxes by any of the other two methods. These 17 States are as follows: Louisiana, Maine, Mississippi, New Hampshire, New Jersey, Utah, Vermont, Washington, Wisconsin, Alabama, California, Connecticut, Massachusetts, New York, Oklahoma, Oregon, and Wyoming.

R. F. C. CREATED IN 1932, AND COULD NOT PURCHASE PREFERRED STOCK OF NATIONAL BANKS

On January 22, 1932, the Reconstruction Finance Corporation was created. Section 10 of the act provided:

The Corporation, including its franchise, its capital reserves and surplus, and its income, shall be exempt from all taxation.

March 9, 1933, the Reconstruction Finance Corporation was authorized to purchase preferred stock from national banks and capital notes and debentures of State banks and trust companies. No specific tax exemption was enacted at that time. Up until that time national banks did not have the right to issue preferred shares of stock.

CONGRESS INTENDED STOCK TO BE TAXED

It should be remembered that at the time of the creation of the Reconstruction Finance Corporation in 1932 and at the time that the corporation was authorized to purchase shares of stock of national banking associations, it was the law that all shares of national banks, no matter by whom owned, shall be subject to taxation. This is very plain and I cannot possibly construe it any other way except that the Congress in authorizing preferred shares of stock issued by national banks to be sold to the R. F. C. expected these shares of stock to be taxable, otherwise a specific exemption would have been written into the law, since the law was plain and unmistakable that all shares in national banks no matter by whom owned shall be subject to taxation.

UNANIMOUS DECISION OF SUPREME COURT HOLDS STOCK TAXABLE

The R. F. C. purchased a million dollars of stock in the Baltimore National Bank, Baltimore, Md. Although this bank had theretofore paid the State of Maryland and all local taxing units taxes based upon this valuation, after the R. F. C. purchased the stock this bank pleaded that it was tax-exempt. The State tax commission upheld a tax upon the shares, overruling the protest of the bank, which made a claim of immunity. The case went to the circuit court of appeals and then to the United States Supreme Court. The facts and the law were so plain and unmistakable that the Supreme Court by a unanimous decision held that the State of Maryland and all the taxing subdivisions in that State still had the same right to tax these shares that it did before the R. F. C. purchased the stock.

SPECIFIC EXEMPTION OF SHARES OF STOCK

A bill, H. R. 11047, was introduced in the House by Congressman T. ALAN GOLDSBOROUGH, of Maryland, which pro-

vided for a specific exemption of shares of stock in national banks from all taxation by the States and political subdivisions thereof when such stock is held by the R. F. C. A similar bill, S. 3978, was introduced by Senator DUNCAN U. FLETCHER, of Florida, in the United States Senate. The Senate, February 24, 1936, passed the bill by a vote of 38 for to 28 against.

SO-CALLED CLARIFYING OR PERFECTING AMENDMENT

In the discussion in the Senate, many of the questions I have raised were not discussed at all and none of them discussed thoroughly. I think the Members of that body looked upon the bill as a clarifying amendment, as it was called, or a so-called perfecting amendment to existing law. These terms, so often used, lull many of us to sleep while bad legislation goes through.

HANDICAPPED BY LIMITED TIME FOR DEBATE

This problem probably had not reached the House when the House bill was taken up February 25. A rule was adopted in the House on February 25, 1936, which permitted consideration of this bill and allowed 2½ hours for general debate. There was but 1 hour's debate on the rule. In other words, there were 210 minutes allowed to debate this bill. I had appeared before the Rules Committee and protested the granting of the rule to consider this legislation. The rule, however, was granted, but I thought an understanding existed between the Rules Committee and those having charge at the time that I and others who were opposed to the bill would be allowed a fair division of the time, but, instead of us getting 105 minutes, one-half the time, we received only 48 minutes in opposition to the bill. I received only 5 minutes one time on the rule and 15 minutes on the bill. Notwithstanding this handicap by reason of lack of time, we succeeded in convincing the House that the bill was a bad bill and should be defeated, and, on a roll-call vote, shown on page 2794 of the daily CONGRESSIONAL RECORD, 137 Members of the House voted against the bill and 165 for it.

I immediately moved to reconsider the vote and to lay that vote on the table, which was carried. This prevents the House bill from again being called up during this session of Congress.

NOW SENATE BILL

However, in the meantime the Senate bill had been sent over. I have never before heard of the proponents of any bill getting full consideration in the House on two different occasions on two different bills during the same session of Congress. Yet the Committee on Banking and Currency of the House held another hearing on the same bill that was defeated by the House with the expectation of again getting consideration of the measure.

I want to tell you what this bill will mean to the different States, counties, cities, road districts, and school districts, and how it will affect other people who are holders of the same kind of shares, and how it will affect other national banks that have not sold shares of stock to the Reconstruction Finance Corporation, and how it will affect the State banks in the different States:

First. If a bank's capital stock is a million dollars, one-half of it, \$500,000, is preferred stock; and if \$250,000 of this preferred stock is held by the R. F. C., it will be tax-exempt; and although it has been on the tax rolls in that locality for years before, it will be taken off by orders of the United States Congress, whereas the other \$250,000 of preferred shares held locally will be taxable, and the bank will pay taxes on it as heretofore.

Second. A national bank that has sold half of its shares to the R. F. C. will obtain a 50-percent tax reduction under this bill, while the national bank across the street that has not sold any of its shares to the R. F. C. will not obtain any tax reduction. It will pay taxes as heretofore.

Third. A national bank that has sold half of its shares to the R. F. C. will obtain a 50-percent tax reduction, but the State bank across the street will be compelled to pay taxes as heretofore.

Fourth. It will set a precedent which, if carried to its logical end, will cause Congress to pass the necessary law that will give all other national banks the same amount of

tax exemption in the respective States and local communities where they are located.

Fifth. It will be a precedent for Congress to pass the necessary law to reduce taxation 50 percent on all banks in the 17 States and the District of Columbia where another method other than taxing shares of stock is in force. I refer specifically to the 17 States listed above.

If Congress can pass the bill under consideration and it is constitutional, it can certainly pass a law that will grant tax relief to the same extent and to the same proportionate amount to all national banks in the 17 States and District of Columbia using other tax methods, and it can pass a valid law that will grant all national banks, although no stock in them are held by the R. F. C. from taxation in excess of 50 percent or any amount of their shares of capital stock.

BAD PRECEDENT

In other words, no precedent could be worse than Members of Congress to assume the jurisdiction of taking from the tax rolls of States, counties, and cities taxable property that has been and should now be legally upon those rolls. At this time when the various States are seeking fair methods of taxation for the purpose of meeting their shares of the burden by reason of the passage of the social security law passed by Congress, it is proposed that we now take this source of taxable wealth away from them.

AMOUNT OF TAXES 31 STATES WILL LOSE

If this bill becomes a law, the banks in the following States will be granted immunity from taxation to the amount stated in column 1 opposite the name of the State, which will cost these different governments to lose in actual tax money that would ordinarily be paid by these banks the amount stated in column 2:

	Immunity	Loss to governments
Arizona	\$1,340,000.00	\$68,608.00
Arkansas	1,275,000.00	33,369.75
Colorado	4,101,000.00	201,564.15
Delaware	137,300.00	274.64
Florida	1,177,500.00	1,177.50
Georgia	1,507,500.00	46,732.50
Idaho	565,000.00	23,557.17
Illinois	72,797,614.17	2,495,138.23
Indiana	6,857,980.00	17,144.95
Iowa	6,323,400.00	18,970.20
Kansas	2,190,500.00	91,913.38
Kentucky	3,182,350.00	41,370.55
Maryland	2,607,540.00	31,811.98
Michigan	17,680,610.00	565,249.10
Minnesota	11,211,000.00	403,596.00
Missouri	4,217,125.00	81,095.31
Montana	1,061,000.00	22,281.00
Nebraska	4,842,450.00	48,424.50
Nevada	175,000.00	7,199.50
New Mexico	401,000.00	17,283.40
North Carolina	1,317,500.00	24,360.57
North Dakota	1,897,000.00	61,870.65
Ohio	22,828,073.00	45,656.15
Pennsylvania	19,394,886.50	77,579.54
Rhode Island	648,500.00	2,594.00
South Carolina	1,505,000.00	135,570.40
South Dakota	2,748,000.00	10,992.00
Tennessee	7,790,000.00	179,014.20
Texas	21,969,625.00	714,685.18
Virginia	3,043,900.00	30,439.00
West Virginia	2,416,066.66	13,215.88
Total	229,209,420.33	5,512,736.38

Representatives from other States are asked to vote for this bill because it is claimed that it will not affect them and their congressional districts. A bad precedent always affects a Member of Congress if he votes for it regardless of who happens to be directly affected at the time. If this bill should become a law and we must presume that the banks in other States will pursue logically and reasonably this same course and direction, the banks in the 17 States and District of Columbia listed below will also ask for a 50-cent tax reduction; and if they are successful, the amount set opposite the names of the State will be taken from the State, county, city, and all tax rolls:

Louisiana	\$4,340,000.00
Maine	2,455,600.00
Mississippi	2,629,000.00
New Hampshire	501,635.00
New Jersey	28,648,575.82

Utah	\$1,250,000.00
Vermont	497,500.00
Washington	2,062,500.00
Wisconsin	14,573,850.00
Wyoming	565,000.00
Alabama	6,612,400.00
California	16,716,925.00
Connecticut	3,698,426.00
District of Columbia	1,100,000.00
Massachusetts	9,190,800.00
New York	126,249,715.83
Oklahoma	8,902,500.00
Oregon	702,500.00

WILL SET PRECEDENT FOR WHOLESALE EXEMPTIONS

Let us see how far this bad precedent might lead. It is said that the stock held by the Reconstruction Finance Corporation in a national bank should not be taxed because the R. F. C. is a governmental agency. It is also true that a national bank is a governmental agency. If this so-called reasoning is carried to its logical end, the next move will be to exempt from taxation all shares of a national bank stock that are held by another national bank. Under existing law in Texas a national bank pays taxes upon its capital stock, surplus, and undivided profits less, however, the value of the real estate. These banks do not have to pay a gross-receipts tax as many other public-service corporations have to pay in Texas. Neither does it have to pay upon its commercial notes and accounts as citizens and other corporations are legally bound to pay in Texas. They are exempt from these different methods of taxation because the shares of stock are taxed; the State having elected that method of taxation. If a national bank in Texas owns shares of stock of another national bank, these shares of stock are taxed, notwithstanding the law in Texas that only the capital, surplus, and undivided profits less the amount of real estate rendered shall be taxable. If the R. F. C. is right in its interpretation and you use the same logic and reasoning, no national bank should pay taxes upon shares of stock held in other national banks. If this policy is enacted, it will lead to wholesale exemptions from taxation.

Remember that the taxes are not levied or laid upon the Reconstruction Finance Corporation. They are levied upon the assets of another corporation which the Supreme Court has held must pay the taxes in the first place.

PERMISSION TO ADDRESS THE HOUSE

Mr. MONAGHAN. Mr. Speaker, I ask unanimous consent to proceed for 2½ minutes.

The SPEAKER. The Chair may say to the gentleman there are three special orders today. The Chair does not desire to recognize anyone to make a speech until disposition of these special orders. If the gentleman from Ohio [Mr. CROSSER] yields to the gentleman from Montana [Mr. MONAGHAN], the Chair will be glad to put the request.

Mr. CROSSER of Ohio. I yield to the gentleman from Montana.

The SPEAKER. The gentleman from Montana asks unanimous consent to address the House for 2½ minutes. Is there objection?

Mr. FULLER. Mr. Speaker, reserving the right to object, on what subject does the gentleman desire to address the House?

Mr. MONAGHAN. I would like to explain why I think the pending radio bill ought to be enacted into law.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MONAGHAN. Mr. Speaker, at the last session I introduced a bill providing for Government ownership and control of the radio facilities of this country. There is not a more powerful argument that I could present to this body for the enactment of such a law than the experience which I am having in my own State with the Power Trust, which controls the large radio station in Butte, namely, KGIR.

Since I had an idea that such tactics would be employed, on January 5 I had Mr. Albert Haskell, an undisclosed agent, apply for time on KGIR station for me the evening before the next election, July 20. The Anaconda Corporation, which I have always fought—most strenuously in connection with the

strike which occurred in the summer of 1934—realizing how beneficial time on the radio the night before election is, has not only refused to give a positive contract to my undisclosed agent but in a subtle manner refused to give me any definite contract for time, stating that they had "scheduled seven now, and will only move for some outstanding national program", in which event I would be moved to "next nearest available time." As I stated in my wire to them, this made the time so contingent that it might be midnight, at which time I would be prohibited by law from making the speech. They made no effort to disguise their discrimination.

By so doing they violated section 202 (a) of the Federal Communications Act, which makes unlawful such discrimination, and I have called upon Mr. John Tansil, United States attorney for Montana, to institute proper proceedings in the Federal court for issuance of a writ of mandamus to compel KGIR to give me a definite contract for this time.

In order that the full facts be called to the attention of the House I ask, Mr. Speaker, that this telegram be printed at this point in the RECORD.

Mr. RICH. Mr. Speaker, I shall object to the telegram until I know whom it is from.

Mr. MONAGHAN. It is a telegram I sent to the United States district attorney.

The SPEAKER. Is there objection to the request of the gentleman from Montana to print the telegram referred to?

There was no objection.

The telegram referred to follows:

MARCH 16, 1936.

Hon. JOHN TANSIL,

United States District Attorney, Butte, Mont.:

On January 5, Mr. Albert Haskell, acting as my undisclosed agent, wired KGIR radio station for time, evening July 20, night before election. The station refused to sell definite time. On January 14, I wrote to the station, disclosing my identity as principal, asking for any time available, preferably hour previously stated. Manager of KGIR, in letter to me, stated he would see me in Washington, and talk about the situation. In my office, he gave me no assurance of time. March 11, I wired setting forth the facts previously referred to and said, "I now ask an immediate response with respect to the possibility of obtaining time. Your response or failure to respond within 24 hours will be regarded as acceptance or rejection." To which I received following response: "Thought matter of time straightened out to your satisfaction when I was in your office recently and said I would reserve time as near 7 as possible for your talk July 20. Have it scheduled 7 now, and will only move for some outstanding national program in which case you would move next nearest available time. What's the matter, isn't my word good? Signed, Ed Craney." Note language "scheduled 7 now, and will only move for some outstanding national program." This time I sent the following response: "Reply regarding time July 20, so contingent it could be moved midnight when I would be prohibited by law from making speech. See no reason why given definite contract 1934 primary, months in advance, and refused this time. Refusal make time definite tantamount no assurance time, therefore, in effect, refusal. I respect your word, Ed, but have never found radio station yet willing take mine; always had sign contracts even with your station, therefore insist upon having definite contract for my own protection." To this wire I have not as yet received response. I now call upon you as United States district attorney to institute proceedings in the United States District Court of the State of Montana, to issue a writ of mandamus to compel KGIR to sell me the time which I have requested, refusal of which constitutes a violation of section 202 of the Federal Communications Act of 1934, which states: "It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for, or in connection with, like communication service directly or indirectly by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage. Section (b) charges or services whenever referred to in this act include charges for or services in connection with the use of wires in chain broadcasting or incidental to radio communication of any kind. Section (c), any carrier who knowingly violates the provisions of this section shall forfeit to the United States the sum of \$500 for each such offense, and \$25 for each and every day of the continuance of such offense." For your information, I have positive proof that failure to give me time is a trick by which opposing interests hope to defeat me, it having been positively asserted by a radio announcer of KGIR that I would never win the Senate race. Asked why, he said he had some inside dope. Please advise me at the earliest possible moment with respect to this matter.

JOSEPH P. MONAGHAN,

Member of Congress, First District, Montana.

Mr. MONAGHAN. I bring this to the attention of the House to urge the enactment of my bill (H. R. 8475) to provide whole-

some radio programs, free from monopolistic domination and control on the part of vested interests, and to make available to all our people adequate radio service. Thus taking this great avenue of public education and enlightenment away from the Power Trust monopoly and other corporations, and putting it back into the hands and the control of the people where it properly belongs.

[Here the gavel fell.]

LABOR AND FARM POLICIES OF NEW DEAL

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a radio address recently delivered by myself.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDRESEN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address which I delivered yesterday over a Nation-wide hook-up of the Columbia Broadcasting System.

During the past 3 years nearly \$25,000,000,000 of the people's money has been spent by the administration for governmental purposes and for priming the pump so as to put the unemployed back to work in private industry. Yet, despite all of this spending the American Federation of Labor has just announced "that unemployment increased more in January of 1936 than during any January in the last 5 years." This organization reports the unemployment figures for January to be 12,626,000, an increase of 1,229,000 over December of 1935. Relief officials estimate more than 20,000,000 persons on public relief.

INCREASING NATIONAL DEBT, EXPENDITURES AND UNEMPLOYMENT

It is high time for the American people to take inventory of assets and liabilities. Who will pay the \$34,000,000,000 national debt which is estimated will be on our hands by the end of the year? Why, the taxpayers, of course; and the taxpayers are not one class of the people. They are all of the people—rich and poor alike. More than 60 percent of the taxes will be in the form of indirect taxes, which are concealed, and paid by all consumers in increased costs of goods and merchandise purchased. It is estimated that the average American family pays an annual indirect tax of \$300. This tax will increase so long as the administration continues to spend \$2 for every dollar of income.

I sincerely believe that public expenditures should be made to take care of those in need and distress during a great national emergency, but I cannot concur in many of the wasteful and political policies practiced by the administration in the present crisis.

With twenty millions on relief and more than twelve millions unemployed, we have a right to question the administration's relief and work programs. Billions are being spent in thousands of work projects in all parts of the country. In accordance with Presidential order, these projects only provide work for people on the relief rolls. Millions of our citizens, who have used up their savings and have lost their homes, are being forced to go on relief, believing that they will secure work on some public project, only to find a Presidential order which prohibits their employment unless on relief prior to November 1 of last year.

Is such a policy fair to these unfortunate people? I have repeatedly requested the President and Mr. Hopkins to change this order so that worthy men and women may secure work when work is available. Thus far these officials have refused to recognize the appeal. Instead they have brusquely crushed the hopes of millions who are anxious to get work so as to provide for themselves and their families.

RELIEF FUNDS USED FOR POLITICAL PURPOSES

If the Federal Government is to continue the relief program, then wasteful practices and political pressure should be eliminated. Dollar value should be received for every dollar spent. The top-heavy and expensive political organization now used in the name of relief largely to build a Nation-wide political machine, should be cast into discard. Proper administration of relief would eliminate the criticism now being offered by leading Democratic Senators and House Members. But how can this evil be cured?

Federal relief funds could be distributed on a per-capita basis to county and city authorities. Up to 3 years ago these authorities had charge of local relief. They are familiar with local conditions, and, if such funds would be turned over to them, they would employ twice as many worthy individuals on necessary local projects as are now employed under the present political system. Eight billion five hundred and seventy million dollars have been appropriated for relief during the past 3 years. This sum divided on a per-capita basis would yield approximately \$65 for every individual in the country. A county or city with a population of 300,000 would have received nearly \$20,000,000. Such a distribution of the taxpayers' money would be on a fair and equitable basis and the funds would be more than adequate to take care of local relief problems. Local machinery is at hand, but I assume that the acceptance of this proposal would interfere with the administration's political plan.

What has happened to the relief money? Why are the unemployment and relief rolls constantly growing? Why doesn't the President change his relief policy so that worthy unemployed may

secure work before being forced to go on relief rolls? Is it because they must first become a part of a great political machine before they can secure work on public projects, or what is it? The American people, and particularly the unemployed, have a right to hear the answer.

AMERICAN MARKETS FOR LABOR AND FARMER

Millions of unemployed could be put back to work today in industry and agriculture if the administration would permit our farmers and laboring men to enjoy the full benefits of the American market. This country is the best market in the world. The unemployed and the millions of farmers who are barely able to eke out a living, are the best potential customers for automobiles and other manufactured and farm products produced in this country. Unemployment will continue to increase and agricultural distress become more aggravated so long as the New Dealers pursue the policy of giving our American markets to foreign farmers and cheap foreign labor.

I do not suppose there is any point in repeating to the New Dealers that this country cannot compete with other countries in production, for the reason that labor costs, taxes, and standards of living are lower in other countries than they are here.

AGRICULTURAL IMPORTS INCREASED FOR 1935

We have listened to the purr of the New Deal about the increase of hundreds of millions of dollars in exports, but what are the facts and figures for 1935? The Department of Commerce supplies the answer. Its report shows that in 1935 our exports were 7 percent greater than in 1934, and the increase for total imports for the year was 24 percent. A large percentage of the increase in imports consisted of competitive farm products now produced in sufficient quantity in this country to take care of domestic consumption.

Under the theory that we were producing a surplus of farm products, the farmers of this country were induced to take around 30,000,000 acres of farm land out of usual production so as to produce less. They complied with the idea of scarcity only to find that after 3 years of experimentation, they were providing an abundant American market for cheaply produced foreign farm products of the same kind as they took out of production.

For the benefit of the farmers, I will give some of the farm imports for the year 1935 and the percentage increase over 1934: 202,000,000 pounds of wool, an increase of 85 percent—this represents wool from 25,000,000 foreign sheep; 17,500,000 bushels of flax, an increase of 24 percent—this represents flax from 1,750,000 acres of foreign land; 27,400,000 bushels of wheat, an increase of 255 percent—at 15 bushels to the acre this wheat represents 1,830,000 acres of foreign land; 43,200,000 bushels of corn, an increase of 1,361 percent—at 40 bushels to the acre, foreign corn farmers were given a market in this country for more than 1,000,000 acres of corn land; 9,600,000 bushels of rye, an increase of 27 percent—at 15 bushels to the acre, this item represents 640,000 acres of foreign land; 364,623 head of cattle, an increase of 532 percent; 320,000,000 pounds of malt made from barley, an increase of 66 percent. In addition, 4,839,000 bushels of barley were imported. This barley and malt provided a market for more than 700,000 acres of foreign farm land.

I hope some of the cotton farmers will hear the next item of imports. One hundred and sixty-six million pounds of cottonseed oil—an increase of 1,720 percent over 1934.

Then, to cap the climax, and for the particular benefit of the dairy industry, the New Dealers have put their stamp of approval on the importation of 22,674,000 pounds of butter, which is an increase of 1,948 percent over 1934. The total dairy imports for 1935, in terms of milk, amounted to 1,118,000,000 pounds. At 4,000 pounds of milk per year for the average milk cow, the dairy farmers of this country gave way to 279,000 head of foreign milk cows. These cattle consumed feed and pasture from several hundred thousand acres of land. Surely a governmental program in which our domestic market is given to foreign farmers can be of no benefit to American agriculture.

RECIPROCAL-TRADE AGREEMENTS

Apparently the administration was not satisfied with the damage already done to agriculture, so last year the President and the Secretary of State proceeded to negotiate reciprocal-trade agreements with many foreign countries which permit an additional importation of competitive farm products under greatly reduced tariff rates.

It cannot be out of place for me to call your attention to a promise made by the President in Baltimore on October 26, 1932. I quote from his speech: "I know of no excessive high duty on farm products. I do not intend that such duties shall be lowered. To do so would be inconsistent with my entire farm program."

Did the President keep this pledge to the farmers? He did not, for on January 1 of this year he put into effect the crowning achievement of his administration in the form of a reciprocal-trade agreement with Canada. Dairy, livestock, and poultry farmers were required to bear the major sacrifices of this agreement. Protests were lodged with the administration by farm organizations and farm leaders against any reduction of agricultural duties, but they were brushed aside in the merry scramble to give away the domestic market to foreign farmers.

While we do not have official figures to show the results of the trade agreements, Department of Commerce reports disclose a large increase in farm imports for the month of January this year as compared with January of 1935. Cattle imports increased from 5,828 head to 21,410 head; butter increased from 539,124 pounds to 859,644 pounds; beef, pork, veal, poultry, and mutton increased from 6,491,296 pounds to 11,722,320 pounds.

The farmers of Canada are jubilant over the fact that the President of the United States has provided them with a good market in this country. On the other hand, we hear grumbings of protest from American farmers that their home market is being taken away from them. Why shouldn't they protest? Before the shades of November are drawn, these farmers will register their protest in understandable language.

INCONSISTENCIES OF FARM PROGRAM AND PROPOSALS

It is not my purpose to criticize the policies and expenditures for agriculture during a time of emergency. I know that the millions of checks sent to the farmers helped increase the income of those who received them. In my opinion, the farmers of the country must have their income and purchasing power restored before we can have complete recovery for all branches of our complicated economic structure.

The farm problem is not a political proposition, nor can it be cured by one stroke of the pen in a single piece of legislation. The time has come for the adoption of a permanent program, and, therefore, I feel that we have a right to criticize the evils and inconsistencies of the New Deal plan now in effect, so as to bring about the enactment of beneficial and constitutional laws which will be of lasting value to American agriculture and the country as a whole.

I have pointed out some parts of the farm program which I believe are inconsistent, and in the long run, will work to the disadvantage of domestic agriculture. If our farmers are to curtail production, then they should have the full benefit of the domestic market as the first principle in any sound program. The reciprocal-trade arrangements should be canceled, and the law passed in the Seventy-third Congress granting absolute authority to the President to negotiate trade agreements should be repealed.

I feel that the farmer and home owner should have the lowest possible rate of interest upon their indebtedness. The adoption of a soil-conservation program of equal benefit to all branches of agriculture will be for the general welfare of the entire country. Our foreign markets can be reestablished by the payment of export bounties on surplus products, and subsidies should be paid on that part of the production which goes into domestic consumption so that all farmers may have the benefit of the tariff.

Time will not permit a complete discussion of the suggestions which I have made. Upon one issue at least all right-thinking people should agree, and that is, if we are to have recovery in this country, then the American laboring man and the American farmer should have the complete benefit of the domestic market without foreign interference. After this has been accomplished we can begin building upon a sound foundation for permanent prosperity for the entire country. It is time to take an inventory in order to chart our course along American lines for a better day for all of our people.

Mr. WITHROW. Mr. Speaker, inasmuch as the gentleman from Ohio [Mr. CROSSER] will soon be recognized to speak on a very important question, I feel that in fairness to the House I should make a point of order that there is not a quorum present.

The SPEAKER. Will the gentleman withhold that a moment until the Chair recognizes some Members who have unanimous-consent requests to submit?

Mr. WITHROW. I shall hold it in abeyance, Mr. Speaker.

THE LATE GEORGE EDMUND FOSS

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes in order to announce the death of a former Member of this body.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHURCH. Mr. Speaker, it has come to my attention that Hon. George Edmund Foss, former Member of Congress from the Tenth Illinois District, which I am now privileged to represent, passed away Sunday afternoon at Ravenswood Hospital, Chicago.

He was elected to the Fifty-fourth Congress and served for 20 years as a Member of this body. Some of you here today were colleagues with him during his term of service. Having had the privilege to work with him in intimate association, I know that this announcement of his death will come as a message of sorrow. He was loved and respected as a man and a statesman.

While a Republican in politics and loyal to his party, he recognized always the higher loyalty to God and his country. For such loyalty and devotion to duty, he leaves with us a lasting memory of a truly great man. I only hope that I as a successor of his in office can serve as well.

Congressman Foss was born of a New England family in Vermont on July 2, 1863, graduated from Harvard Uni-

versity in 1885, attended the Columbia Law School and the School of Political Science in New York City, and was graduated from the Union College of Law at Chicago in 1889. He was admitted to the bar and commenced the practice of law in Chicago in the same year that he graduated from law school.

At the same time that Congressman George Edmund Foss was in the service of his country here as a member of the Republican Party, his brother Congressman Eugene Noble Foss, and later governor, was also in the service of his country here as a Democratic Member of this body from Massachusetts. To my knowledge it is the only family that has the distinction of two brothers being Members of Congress at the same time from different States and each of a different political faith.

Mr. Speaker, as a personal friend of our deceased colleague, out of reverence for his memory and the noble service he rendered to God and his country, and in respect to his family, I convey this message to the House.

ST. PATRICK'S DAY AND THE UNKNOWN SOLDIER

Mr. STACK. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes on the Unknown Soldier.

The SPEAKER. Does the gentleman from Ohio [Mr. CROSSER] yield for that purpose?

Mr. CROSSER of Ohio. Yes, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for 3 minutes on the Unknown Soldier. Is there objection?

There was no objection.

Mr. STACK. Mr. Speaker, ladies and gentlemen of the House, this is St. Patrick's Day. The day when the red blood that courses through our Irish veins races a little faster; the day when the Irish mind turns, in loving contemplation, to the deeds and accomplishments of those who gave it being; when the Irish heart lifts a song of hope for better days and better times for the homeland, the Isle of Saints and the land of song; the day when all the world joins in honoring the memory of him, who, 15 centuries and more ago, carried the story of the tragedy of Calvary from the uttermost bounds of Ireland to the confines of the Black Sea; the day when the people of our country in particular, by a seemingly unanimous consent, offer their homage to the patron saint of Ireland, and by so doing pay tribute to an unconquered and unconquerable race. And it is not without reason that our people do this. It is not without a deep sense of justice and appreciation that the liberty-loving American Nation accords this tribute to St. Patrick and the Irish people who, though downtrodden in their native land, carried to the four corners of the world and to our country in particular in the days of its infancy and pressing need, that spirit of independence and love of liberty which has ever been enshrined within the Irish heart, and which is the very well-spring of our national life. Not only did the sturdy sons of the Gael bring with them to our shores a love for liberty; not only did they accept and embrace the idealistic doctrine of freedom and independence which they found rising like a flood tide in colonial days, but they gave to it concrete expression by their deeds of valor on land and sea and sealed their compact with liberty by laying down their lives that it might live.

To call the roll of the Irish who played leading parts in the making of our Nation or to attempt to rehearse the story of their loyalty, their sacrifices, their sufferings, and their indomitable courage and perseverance, or even to recount those particular incidents where their heroism reflected glory on our arms, would be a recital far too long for the short time at my disposal. But I cannot let pass this occasion without at least a reference to the incomparable Jack Barry, half Yankee and half Irishman, as he denominated himself, father of the American Navy, at whose monument I engaged this morning in patriotic exercises to commemorate his memory. To Barry belongs the honor of being the first American naval officer to engage, under the Stars and Stripes, a naval enemy, and the first to bring victory to our flag upon the high seas.

Perhaps I could not do better, in the nature of a summation of the contribution of Ireland to the cause of American liberty—to the making and salvation of the Nation—than to quote the words of the poet:

Can you doubt our Irish fealty—
Call your muster of the dead.
Find a field in all your history
Where no Irish heroes bled.
Where their valor shed no lustre
On the flag that ne'er can fade,
From the days of Wayne and Moylan
Down to Meagher's Green Brigade.

In addition to my participation in the exercises at the Barry monument I also had the exceptional honor, this morning, of participating in the commemorative services at the Tomb of the Unknown Soldier, under the auspices of the Irish War Veterans, U. S. A. The services were conducted by Walter Ferry, national commander; John Connolly, senior vice commander; Elmer McGinnis, junior vice commander; Joseph B. O'Rourke, chaplain; Chris C. Nugent, junior adjutant; Edward Durning, quartermaster; James Caffery, officer of the day; Philip Fitzpatrick, sergeant major; John Hennessey, sergeant at arms; Arthur Cokeley, service officer; George A. Henderson, judge advocate; and John J. McLaughlin, chief of staff, the national officers of this association, who gathered from all sections of the country to collaborate with the local committee, composed of Edward J. J. McGrory, commander; Patrick J. Taft, senior vice commander; John W. Barrett, junior vice commander; George A. E. Prendergast, adjutant; Edward F. Tierney, quartermaster; W. R. McLister, chaplain; Robert G. Smith, judge advocate; and Michael J. Sullivan, sergeant at arms; all officers of District of Columbia Post, No. 17, Irish War Veterans, U. S. A.

Perhaps one of the most impressive monuments to the heroic dead of any land or nation is the sarcophagus at Arlington, and no man, much less a soldier and a veteran, can stand beside this monument without feelings of deep emotion. It is not possible to contemplate this magnificent testimonial of a free people to its honored dead without experiencing a consuming sadness for those of our people whose loved ones answered the call when the alarm of war sounded through the land and were, by fate, denied even the right to claim their ashes.

I know of no way on March 17 by which we Americans of Irish lineage or birth could better demonstrate our undying love to our country, our fealty to its laws, our duty and love to its heroic love for its defenders, our respect to Ireland itself and to Saint Patrick, than by appropriate exercises at that hallowed tomb.

We, therefore, devotedly and humbly, but nevertheless proudly, assembled there today, the anniversary of the feast of Ireland's patron saint, to place thereon a simple emerald wreath in testimony of our respect and honor for the Nation's dead. We could not help but feel that the good saint himself, together with the spirits of those thousands of Irishmen who had given their all in defense of these United States, smiled a benediction upon our actions. The Unknown Soldier to the American people is symbolic of everything that their national history holds chivalrous, valorous, holy, and dear. It is possible that he was an Irishman by right of birth, for thousands of such wore our national uniform in the World War. It is possible also that, though American born, a heritage of warm, red Irish blood pulsed through his veins. No matter what the lineage may have been, significant only is the fact that he was an average everyday American, enjoying his every breath of life, loved and respected within his own particular social circle when the Nation called him in 1917. In unison with those Irish veterans who today did him honor, cheerfully responded in order that these United States might continue to the fulfillment of its noble destiny. From him the United States could expect no more, from us, nothing less.

Ireland is deeply indebted to the hospitality of our great Nation, but it is fitting that it be proclaimed that the indebtedness is of dual nature. We know that this grateful land has never failed to acknowledge the fact that Erin's contribution, Catholic and Protestant, to national growth,

played a major role in the founding and developing of America; her sons and daughters have contributed to every period in our history, and their influence has been felt in widely varied walks of life.

The Unknown Soldier belongs to all of our people, and his memory is immortal. Nothing that I or anybody else might say could possibly add to or take from his glory. As American war veterans of Irish lineage or birth, we gather today, simply, and humbly, but proudly, to lay a wreath of remembrance upon that marble tomb where reposes his clay, and to pray for the repose of his eternal soul.

The Unknown Soldier, we hope, has not died in vain. We Irish, either by birth or descent, hope that the principles for which we both fought will forever live. [Applause.]

(Mr. STACK asked and was given permission to extend his remarks in the RECORD.)

THE GOVERNMENT'S REPUDIATION OF INDIAN CLAIMS, AND HOW IT IS DONE

Mr. BURDICK. Mr. Speaker, I ask unanimous consent to extend in the RECORD the remarks I made on yesterday.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. BURDICK. Mr. Speaker, under leave to extend my remarks made on the floor of the House on Tuesday, March 17, on the subject of the Turtle Mountain Band of Chippewa Indians, I desire to say that this Congress is no different from the many Congresses that have convened and adjourned since this Nation began in respect to the Indian question.

This much is certain: That when our forefathers landed on the shores of this continent they found it inhabited by Indians. How long they had occupied and used the country no one definitely knows. It may have been a thousand years; it may have been 6,000. The fact that we are concerned with is that they were here in possession of the country in the year 1000, when the first white man stepped on our shores.

We became the principal occupants of this entire continent. The area occupied by Indians was gradually made smaller through the years, by Indian wars, by Indian treaties, and finally by acts of Congress without the consent of the Indians. Today the 340,000 Indians occupy less than 47,000,000 acres of land, or less than the area of North Dakota. The Indian population has gradually become less and less as the years have passed.

When the Government was formed there were 1,000,000 Indians in this country.

We gained the principal part of the territory from the Indians by means of treaties, solemnly entered into between the Indians and the Government.

This Government recognized treaties up until the year 1870, when, by acts of Congress, treaties were abolished. All former treaties were, however, recognized, and the Supreme Court of the United States has decided, in many cases, that rights accruing to Indians under treaties made prior to 1870 shall be protected and recognized in all things. It is a comparatively easy matter, therefore, to trace an Indian claim against the Government for damages for the violation of treaty rights.

In connection with the treatment of Indians under acts of Congress since treaty days it must be remembered that the Indian status has changed. At one time Indian tribes were recognized as sovereign nations. Since that time our contact with them has been under the relationship of guardian and ward. This Government assumed a guardianship over the Indian and his property without the consent of the Indian, and that status still remains. We have made him a semicitizen, but we have never lost our control over his property and have molded his future in any pattern we saw fit to prescribe. In dealing with the Indian, therefore, under this guardianship relation, it is vastly different from treating with the Indian under full freedom as an American citizen. At every step we are, by law, acting in a fiduciary capacity—one that demands of us the utmost good faith and fair dealing. A higher degree of good faith, integrity,

and fair dealing must always be exercised in transaction between guardian and ward than that required between persons not handicapped by an inferior status.

The Indian lands, defined and circumscribed in treaties, solemnly made, have been gradually but surely taken away from them. This has been accomplished by violations of recognized treaties and acts of Congress. The Indians have been advised, encouraged, cajoled, and bluffed into accepting acts of Congress by the very Government agencies created to protect the Indian. Through this course of Congress through the years there has been accumulating a long list of damage suits against the Government. From quite definite information, I am safe in stating that today the Indians of the United States have just claims against this Government that will total \$4,000,000,000. In every Congress there are a great many bills asking Congress to pass a jurisdiction bill authorizing the Indians to present their claims against the Government to the Court of Claims for adjudication. It should also be remembered that the Government cannot be sued without its permission, and before the Indians can present a claim for damages they must secure from Congress the right to prosecute such a claim.

There should not be any objection on the part of the Government to permitting Indians to prove their claim. There ought not to be any objection to a jurisdictional bill if the Government had no fear of past bad faith. These jurisdictional bills are always fought on the floor of Congress and the reason given is that we owe the Indians so much that it would bankrupt the Government to pay them. In this way the evil day has been delayed and delayed until damages for more than 100 years have accumulated.

The attitude of the Government now is and has always been a complete repudiation of debts due Indians. The Government, through its officers and leaders, prates of the sacredness of Government credit, Government honor, and the mere suggestion of repudiation of ordinary Government obligations is met by a storm of scathing denunciation. But I charge here now, and stand ready to prove it by the Government's own record, that this sacred honor of the Government in the protection of its credit has been so shamefully repudiated by the Government in respect to debts due Indians that there is no such parallel in any government that ever existed on earth of such base, intentional, and preconceived repudiation.

I have not the time to cite many cases, but any one I do call attention to is similar to thousands of others. Here is one:

THE TURTLE MOUNTAIN BAND

At one time the Chippewa Indians inhabited, occupied, and used a tract of land in Dakota beginning at a point on the Canadian line 30 miles west of the Red River of the North and extending westward along the Canadian line 63 miles, thence south 15 miles, thence due east to a point 30 miles west of the Red River. In this area were 945,000 square miles. This tract was ceded to these Indians by treaty stipulations. By various treaties afterward made and through methods that would not stand up in a court of equity, this great territory was reduced to 10,000,000 acres of land. By Executive order in 1882 all of this land was opened up for homestead purposes and 1,000,000 acres retained as a reservation. Nothing was paid the Indians for this land, and the whole transaction was carried on without the Indians' consent.

In 1904, or 22 years later, Congress ratified an agreement with the Indians to pay them \$1,000,000 for these lands so taken. Congress made certain conditions and reservations which necessitated the act going back to the Indians for their approval of the changes made in the agreement. The changes were never ratified by many bands and never ratified by the same Indian representatives who made the original agreement.

These Indians now claim that they are entitled to reasonable compensation for these 9,000,000 acres. Just recall that the Indians received a trifle over 10 cents per acre for this land, and had to wait 22 years for it. The Government now boldly asserts that it paid the Indian for this land and therefore will not pass a jurisdictional bill permitting the Indians to show fraud, failure of consideration, or bad faith exercised by a guardian over a ward.

In this case the open, uncontradicted facts condemn the Government. The very price of 10 cents an acre, when the minimum price of land per acre on which claims of Indians have been repeatedly settled, was \$1.25 per acre, is, of itself, proof of fraud on the part of the guardian. When the Government gave the Northern Pacific Railroad every alternate section of land through Dakota, extending 50 miles north and 50 miles south of the proposed line, the minimum price was fixed at \$2.50 per acre, and in the grant the railroad was forbidden to sell the land for less per acre. On the face of this settlement, therefore, it shows a failure of consideration.

In addition to this, the Indians, during all of the negotiations, were presumed to be incompetent. They were wards of the Government. The Government was charged with the fiduciary duty and obligation of protecting the interests of its ward, who was incapable, in law, from protecting itself. This situation demands the utmost good faith and good conscience. Applying this rule to the payment by the Government of \$1,000,000 to these wards for 9,000,000 acres of land convicts the Government of bad faith and outright dishonesty.

All these Indians now ask is that they be permitted to present their claim against the Government to the Court of Claims. But this Congress says "no." "No, sir; we paid you once, now get out of here. We will not let you prove that we were dishonest with you."

Those who are not Members of Congress cannot, of course, understand how this attitude of Congress is sustained. Why cannot the Indians get action? I will answer that question now. The Indians in this case have not a chance on earth to have their case heard unless there is an accident in Congress—unless some Member falls dead just before the bill comes up. There are always some Members in Congress who say, "To hell with the Indians." They watch these bills and when the bills come up they do their stuff. Here is how it is done:

A bill comes before Congress in one of four ways:

First. It may go on the Consent Calendar. If the bill is on this calendar, one Congressman out of 435 can get up in his seat and say, "I object to the consideration of this bill." That settles it—one objection stops the bill. This is what happened to the bill of the Turtle Mountain Band of Chippewa Indians. The bill was on the Consent Calendar, and one Congressman made an objection, and that ends the bill. If objected to a second time, it goes back on the Union Calendar.

Second. Union Calendar bills on this calendar come up on Calendar Wednesdays and the committees come up in order, unless by a suspension of the rules, requiring a two-thirds vote of the House. For instance, the District of Columbia has Calendar Wednesday. At this session there will be no Calendar Wednesday for Indians because we had Calendar Wednesday for Indians during the closing days of the first session. Before we can reach that position again Congress will have adjourned.

Third. By rule: Bills come before the House on a rule adopted by the Rules Committee, but in theory only those bills advocated by the administration or of great prominence in the public eye, ever come on the floor by a rule. This excludes Indian bills, especially those which merely provide jurisdiction.

Fourth. By petition: If an Indian bill could get the signatures of 218 Members it could be brought on the floor of the House without a rule, but on the average Indian bill I predict that 50 signatures could not be obtained in the whole House.

Thus it is that Indian legislation is defeated year after year. Year after year the Indian claims for damages pile up, and year after year the Indian is denied the chance to prove his damages.

Should the Indians be successful in obtaining a jurisdictional bill, then the case is presented to the Court of Claims. On an average it takes 7 years to get a decision in the Court of Claims. Many Indian claims have been pending for over 15 years and end is not yet.

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This Government did not complain about its sacred credit when it loaned \$10,000,000,000 to the Allies. The Government has never said that our Nation will be bankrupt because the Allies will not pay us. They have not paid us, they do not intend to pay us, and this Government knows it.

All this Government will do about these foreign debts is to charge that those Governments, especially France and Italy, repudiated their just obligations. The Government is not in a position to talk repudiation to anyone, since it has repudiated the just claims of the first Americans against it. With less than half of the money squandered in loans to foreign countries we could have paid every last Indian claim, abolished the guardianship over the American Indian and turned him loose as a free citizen.

That would have ended the Indian question, and it will not end until these claims are paid and the shackles taken off the wrists of the Indians.

This Congress is and has been for years pretty well committed to the policy of committee control of legislation, and ordinarily the pronouncements of the committee members have great weight with the House. That is true of all committees except one—the Committee on Indian Affairs. I was put on this committee by the Republicans, but when a bill comes out approved by all the Republicans on the Committee of Indian Affairs that makes no difference to the other Republican Members. The recommendations of the Republican members is totally ignored by the Republicans. The unanimous recommendation of all Democratic members on the committee makes no difference to the Democratic Congress, and when an Indian bill comes up with the support of the Democratic members of the committee, the Democrats in the House rise up thicker than cornstalks and object to the legislation.

How different it is with other committees. When the Committee on Agriculture reports a bill, that is the bill that will be passed and no other bill. One who takes issue with the committee may have the satisfaction of following the dictates of his own conscience, but his influence is stopped before he begins because—because what? Because he is not in accord with the committee.

This question cannot be smothered; this question will haunt this Government until it is settled and settled right. So far as I am concerned, I shall never agree with the policy this Government has pursued and is pursuing in regard to this Indian question. It is wrong and cannot be defended.

I could give other examples, many of them, hundreds of them, a thousand of them, but in all you will find that same spirit of injustice and broken faith which is so glaringly present in the Turtle Mountain case.

The SPEAKER. Under the special order of the House, the gentleman from Ohio [Mr. CROSSER] is recognized for 30 minutes.

THE CAUSE AND CURE OF UNEMPLOYMENT

Mr. CROSSER of Ohio. Mr. Speaker, in a speech in Congress on July 1, 1930, discussing the subject of unemployment, I stated that the wealth in the country at present is 650 times as much as was in the country at the time the Government was established. I further stated that, of the total wealth in the United States today, each person owns only one-fiftieth of the percentage which on the average constituted the share of each person in the wealth of the United States at the beginning of our Government. As year after year more of the wealth produced in our country has gone into the hands of fewer and fewer people, unemployment has increased more and more. These facts show great injustice in the distribution of wealth, with the result that the people have suffered untold hardship. All kinds of plans have been urged to cure the evil. The remedies which we hear most frequently suggested are unemployment insurance, old-age pensions, and measures of that kind.

AUTHOR OF FIRST LABOR PENSION LAW

I introduced and worked successfully for the first pension measure ever passed by Congress, providing for the retirement of aged workers employed by private interests. For the benefit of old people in general, I favor also the most

liberal old-age pensions that can be provided by sound legislation. Let us consider every plan, proposal, or suggestion and do everything possible to provide a truly liberal and satisfactory old-age-pension law.

MEASURES WHICH MAKE MORE BEARABLE BUT DO NOT REMEDY
INJUSTICE

It is important to note, however, that just as morphine quiets the pain of the body without curing the disease, so measures such as those to which I have referred, merely make more bearable the unjust distribution of wealth, but do not cure the evil by removing the cause of the injustice. Regardless of how much we improve such laws, we do not remedy the injustice resulting from the unjust distribution of wealth. With a sound economic system we should have no unemployment against which to insure and people would earn enough to provide handsomely for old age.

Certainly we should assist in a practical way those who are unemployed and make every possible provision for those who have reached old age without sufficient means to enable them to live comfortably. While, however, we should help rescue from drowning people being carried violently down a river, it is even more important for us to go up the stream to remove the cause which is forcing them into the river. We must find the cause of unavoidable unemployment and poverty.

In the time which has been allowed me I shall point out what I consider to be the cause of unemployment and poverty and the remedy for the evils.

MONEY SYSTEM AND ITS RELATION TO UNJUST DISTRIBUTION OF
WEALTH

Mr. Speaker, many people have the notion that a change in the laws relating to money would correct the great injustice in the distribution of wealth. I have not time to fully discuss the money question, but will say a few words as to its relation to conditions of labor and business. Many persons are sure that inflation—that is, the increase of the amount of money in the country—would remove all our troubles in the way of poor business and unemployment. The purpose of inflation is to lessen the value of the dollar—that is, of money. The value of money is measured by the value of goods. The lower the value of money, therefore, the less goods or services it will buy. On the other hand, deflation is wrong. The purpose of deflation—that is, of decreasing the amount of money in the country—is to increase the value of money. The higher the value of money the more goods it will buy.

It is very important and necessary that the value of our money be unchanging so that it will buy as much goods, in general, at one time as at another. In other words, we should have a stable standard of value. To restore the value of money by reducing its value to what it was 10 years ago when most of the present debts were incurred would not be unreasonable, but merely a reduction of the value of money to what it was when the money was borrowed.

MUCH CONFUSION IN REGARD TO MONEY QUESTION

There is no question about which there is so much confusion in thought as there is about the money question. It is argued by some that since the Federal Reserve banks issue money on the basis of a gold reserve, the Government in like manner should print money according to the value of the gold in its vaults. The theory upon which Federal Reserve banks issue money is, in my opinion, not correct, and the Government's doing the same thing would not make it right. Moreover, the mere printing of billions of dollars of money would not get it into the hands of the people.

From a scientific standpoint, money is not in itself wealth. Goods and commodities are wealth. Money issued, in accordance with scientific principles, may be regarded practically as an order upon the public for property or services equal to the value stated on the face of the money. Money, therefore, should be issued for the purpose of making easy the sale and purchase of goods or property. If it does not represent the value of property or services, then it constantly tends to uncertainty in value. I traveled through Germany in 1923 and stopped first at the city of Cologne. As you know, the usual, or standard value of a mark is a little more

than 23 cents, but I bought 1,000,000 marks for a dollar on my first day at Cologne, and in less than a week later I bought 4,000,000 marks for a dollar at Munich, Germany. In other words, at Cologne for \$1 I got what ordinarily would have cost \$230,000, and at Munich for \$1 I bought marks which usually would have cost \$920,000. The people of Germany were in terrible circumstances, and I saw many pinched and haggard faces.

To function properly money must be unchanging in value or, in other words, stable. If a commodity, such as one of the precious metals, be made the standard of value, then it is sure to be a changing standard of value. Then the greater the demands of trade for the use of such money, the higher becomes the price of the metal, for example, gold, which may be used as money. The rise in the price of gold would mean that the gold, or money based on gold, would buy more goods, and that would mean that the prices of commodities and the wages of labor would become less. It should be clear, then, that nothing of intrinsic value—that is, nothing with value in itself—should be made the standard of value, nor by law be constituted money.

SOUND PRINCIPLES OF A CORRECT MONEY SYSTEM

A sound, stable money could be provided by establishing as the standard of value the average value of the almost 800 commodities in which the people of the United States deal. The old system made it possible for one commodity—gold—to determine the value of everything else. When the supply of gold was limited, either by the money changers or because of insufficient output from natural resources, the value of gold increased and so a certain amount of gold, such as the quantity of gold in a dollar, bought more of all other things than it would buy before. The farmer received less in money for his grain, and the workman received less in money for his labor. If, on the other hand, gold, and therefore the money based on gold, should decrease in value, the money would buy less of commodities or household goods and a little money saved by anyone would not buy as much as when he got it.

A change either up or down in the value of money always does great injustice to someone. Money, based on one commodity, whether gold or something else, is constantly changing in value and, therefore, is always causing injustice to some of the people. If, however, the standard of value, that is, the value of money, were the average value of all commodities in which the American people deal, then each commodity would have an equal influence in determining the value of money. This would assure us of an unchanging standard of value; a sound money.

PROPER METHOD FOR CIRCULATION OF MONEY NECESSARY

Even the much-desired establishment of an unchanging and sound standard of value will not in itself however give us a satisfactory money system. There must be provided also a scientific method for getting the money into the hands of those desiring to deal in real wealth; that is, in commodities and other things which satisfy human needs. Money is practically a certificate by government that the holder of such certificate, called money, has given goods or services equal to the value stated on such certificate; that is, money. Those engaged in trade and industry must be enabled to conveniently procure money for their goods and services. I have not time to fully discuss proper provisions of law to enable people to secure, when desired, money for their goods. Let me say, however, that no private person or company should be allowed to issue money or to fix its value. Only the Government, through a proper central agency, should have authority to do that.

In a general way, it might be stated also that there should be established branch agencies of such central Government monetary agency. A person should have the right to apply to such agency for money on the security of goods owned by him. The agency should have authority then to deliver, in money, to the applicant, the largest percentage of the value of the goods that could be advanced without danger of loss to the Government. If the Government agency were to give the applicant money, amounting to half the value of his goods, the owner would still have in the goods a half interest

for which he would not have received money. He would, therefore, need to find a customer so as to get money for his remaining interest in the goods. The money received from the Government agency on the security of goods would make it possible for the owner to take time to find a buyer who would pay a fair price for the goods and so enable the owner to avoid being forced to sell his goods at a loss. On the other hand, the danger of losing his uncashed rights in his goods, because of a less-than-cost price, caused by oversupply, would compel the owner to consider carefully what amount of goods he could produce and be reasonably sure to sell at a fair profit.

The application of the principle just outlined would make possible on the one hand the issuance of any amount of money required by actual trade and industry, and, on the other hand, would cause the return of the money to the Government when it had served its purpose. In short, it would provide what is called an elastic currency.

THEORY OF ACCELERATION OF CIRCULATION OF MONEY OR FORCED SPENDING

It is important to note, however, that neither one kind of money nor another can be eaten as food or put on as clothes. Money may be regarded in the nature of an order on the general public for what the person with the money may desire. In that sense it is proper assistance in the production of real wealth, the things we eat, wear, or otherwise use.

A correct system of commerce should enable everyone to produce and exchange goods on fair terms. The possession of money should indicate that the person having it has given for it something equal to the value shown on the face of the money. Unless, however, an increase of money represents an increase in the amount of commodities, of real wealth, then it is not reliable money.

It is a mistake, to believe that we can improve business and commerce by giving some of the people, at stated times, a certain amount of money and forcing them to expend it within a certain time. The so-called demand for goods resulting from such a practice would be altogether artificial and for a short time would force the production of goods beyond the ordinary requirements of the public, and then the forced buying or demand for goods, like all increased demands, would raise the price of goods. With the rise in price the demand would lessen or, in other words, sales would fall off. If, to keep such a plan going, we were to increase the volume of currency in the country, without at the same time increasing the production of real wealth, we should be simply cheapening the value of all money by putting into circulation money not representing true wealth. On the other hand, if we were not to increase the total volume of currency by a new issuance of money, but instead were, by taxation, to compel one part of the population to give part of its money to another part of the population, then we merely would be increasing the means of buying for one part of the population by taking the means of buying to the same extent from the other part of the population. The operation of such a plan might give momentarily the appearance of increased activity in business, but in a very short time it would be found that the volume of business would lessen.

EVEN A CORRECT MONEY SYSTEM NOT SUFFICIENT REMEDY FOR UNEMPLOYMENT

Mr. Speaker, I am not one of those who believe that the establishment of even an unchanging and perfect standard of value will prevent injustice in the distribution of the wealth of the country. It would, of course, prevent the specific injustice resulting from a change in the purchasing power of our money. A greater injustice, however—yes; the greatest of all injustices of an economic nature—is due to a total disregard of the true laws of distribution of wealth produced by the cooperation of labor, capital, and natural resources.

FACTORS ENGAGED IN ALL PRODUCTION

According to all of the classic writers on the subject of political economy, three factors are engaged in the production of all goods and commodities. The earlier writers named the three factors land, labor, and capital. Later writers use the terms natural resources, labor, and capital.

The use of different terms, however, is of no real importance. Whether we use the term "land" or "natural resources", what is meant is the earth in some form or other. No material thing, no goods or commodities, can be produced except from the earth. Labor and capital applied to the earth, or what is taken from the earth, supply the commodities and goods which people use.

I have referred already to the constant decrease in the percentage owned on the average by each person in the total wealth of the country. We saw that the percentage of the total wealth owned on the average by each person today is only one-fiftieth of the percentage of the total wealth owned on the average by each person when the United States Government was established.

CAUSE OF THE UNJUST DISTRIBUTION OF WEALTH

The explanation of this manifest injustice is, I think, perfectly clear.

Of the goods or commodities of any kind that may be produced by labor, capital, and natural resources working together, the share of labor is wages, the share of capital is interest, and the owner of the natural resources, which may be used with these two, receives all the rest.

The price, that is, the wages paid for labor, like the price of anything else, depends on how much labor is needed and how many workmen desire to sell their labor. When our country was new, in order to produce a certain amount of commodities, many times the number of workmen were needed than are now employed to produce the same amount of goods. That caused a greater demand for workmen. Among employers there was more competition for men's services. Workmen, therefore, could and did demand a larger share of what was produced; or, in other words, asked better wages. In late years, however, because they were better trained, more skillful and used better tools and machinery, workmen produced commodities in much less time than was at first needed to make them. It is true also that the increase in the general intelligence of the people has made common the better methods of doing practically everything and so has helped to produce more goods in the same or even less time.

Those who have controlled the natural resources, the agencies of production and have employed men, have just claimed for themselves the value of all the time saved as a result of workmen's increased skill and intelligence, and the use of machinery. They cannot morally justify such a claim.

The reason why those in control of the agencies of production can take for themselves the benefits, the value of all the time saved as a result of the education of the workers and the use of machinery, is that they have a practical monopoly of the natural resources. Because, in a certain time, by the labor of fewer and fewer men, the same amount of commodities can be produced, those who control the land and resources upon which men must labor to produce goods can and do discharge more and more men. Suppose that a dozen men owned the whole North American Continent. They could then order workers to work as long each day as they might desire to have them work and give them as little pay as they might see fit, provided such wages would keep them well enough to work. If the men were to refuse to work upon such terms, the owners could order them off the continent, and all they could do then would be to go into the ocean. Because, therefore, men must work on the earth for a living they can be forced to surrender to the owners all the benefit and value resulting from labor's increased producing power. The more goods men can produce in a day the more men can be discharged and turned into the army of the unemployed. This army of unemployed is then the means, the weapon, used to force men, remaining employed, to work as long as or longer than they worked when producing less goods. In short, the unemployed are used to lower constantly the condition of labor and the standard of living.

The philosopher Schopenhauer stated the matter forcibly when he said:

Whether I own the peasant, or the land from which he must obtain his nourishment, the bird or its food, . . . is practically a matter of small importance.

Thomas Paine said:

Landed monopoly has dispossessed more than half the inhabitants of every nation of their natural inheritance.

In Ecclesiastes it is said:

The profit of the earth is for all.

Henry George, author of the greatest book on political economy ever published in the United States, wrote as follows:

Place 100 men on an island from which there is no escape, and whether you make one of these men the absolute owner of the other ninety-nine, or the absolute owner of the . . . island will make no difference either to him or them.

To remedy the evil thus illustrated by George, he urged that the annual value of the earth itself be collected, as revenue, for public use.

This is the remedy which, without any doubt, will finally be applied. What I propose in the meantime is to take the power from the monopoly which has grown and oppressed mankind, as George predicted.

Mr. Speaker, let me emphasize again the fact that while monopoly prevails, better skill, training, and the use of machinery merely make possible greater injustice in the distribution of wealth.

If, for example, 5 years ago an industry, by the labor of 100,000 men working 8 hours per day, was producing all of the shoes needed each year by the people of America, and now, by the labor of 75,000 men working the same number of hours per day, using improved machinery, can produce the same number of shoes, many employers have just taken it for granted that the value of the 25,000 men's time saved rightfully belongs to them. That is not, however, either morally or logically right. The employer should have, of course, the amount of interest paid on the cost of the machinery; and if he shall have become more industrious, enterprising, and efficient, he should have an increase in the wages of management, but such amounts could be paid without greatly reducing the amount of money representing the 25,000 men's working time saved.

REMEDY FOR UNEMPLOYMENT AND UNJUST DISTRIBUTION OF WEALTH

Now, the 25,000 men's time is, of course, one-fourth of the time worked in the first place by the 100,000 men, and that means that if 100,000 men were to work 6 hours per day, or, in other words, three-fourths of the time which they originally worked, they would produce as many shoes as the same 100,000 men produced in the beginning when working 8 hours per day. Since then, in only 6 hours, a man could produce the same number of shoes which before he required 8 hours to produce, his hours of labor should be reduced substantially from 8 to 6 hours per day without reducing his pay. If all of the 100,000 men's working time were likewise reduced to 6 hours per day, then all would continue to be employed making the same number of shoes as they at first produced in 8 hours per day.

The principle of reducing working hours would be the same, of course, whether at the beginning the men worked 7 hours, 6 hours, or any other number of hours per day, and then later produced the same amount of goods in time less by one-fourth, one-fifth, or other amount than was used to do the work at first. If, for example, a man originally did the work in 6 hours and later did the same work in three-fourths of that time, then his working day should be reduced practically one-quarter, or, in other words, should then be 4½ hours instead of 6 hours. It is very important to remember also that because they are producing the same results, the same number of shoes in the shorter working day, the pay of the workers should not be reduced.

If in every industry the working hours were continually reduced in proportion to the reduction in time necessary to do the work, everyone so desiring would continue at work. In short, the proper application of this principle would abolish unemployment.

It is clear, of course, that, with justice, only the National Government could order the reduction of the hours of labor in general. If the States were trusted to do it, we should

find one State reducing the hours of labor as justice requires and other States refusing to do so. Then the manufacturer employing labor in the State where hours might have been reduced could not sell his goods in competition with manufacturers employing workers at less cost in States where the hours of labor might not have been reduced.

I have long urged that Congress be given authority to pass laws reducing the hours of labor. I proposed an amendment to the United States Constitution in the following language:

To promote the general welfare, the Congress shall have the power to reduce the number of hours of service per day and days per week for which contracts of employment may be lawfully made.

Let me respectfully and earnestly urge the Judiciary Committee to report favorably in regard to this proposed amendment to the Constitution.

Under the authority proposed in the language which I have quoted, Congress could establish what might be called the Federal Industrial Court. Then, because in fewer hours per day than was before needed, workmen were producing the same amount of goods, proper application could be made to such Industrial Court for a reduction in the hours of labor. If in a certain industry, for example, the court should find labor to be producing commodities in one-fifth less time than was before required, it would order a reduction of substantially one-fifth in the hours of labor. Similar action in regard to the hours of labor in every industry would soon put an end to unavoidable unemployment.

APPLICATION OF PROPOSED REMEDY FOR UNEMPLOYMENT WOULD MAKE WAGE LAW UNNECESSARY

In recent years we have heard a great deal about a minimum-wage law, but with unemployment abolished and everyone able to find a job when desired there would be no wage question, for no one would work or need to work for less than fair wages. With unemployment abolished and employers looking for workmen, if one employer would not pay him fair wages, the worker could go to another employer who would do so.

MONOPOLY IS CAUSE OF UNJUST DISTRIBUTION OF WEALTH

As already stated, the fundamental cause of the unjust distribution of wealth and of unemployment is the permitting of those controlling the agencies of production to take for their own use the benefits and values resulting from the increase in the producing power of workmen. If a few men are allowed to control the source of all wealth—that is, the earth or the parts of the earth necessary for use by our people—then it will be possible for them to compel everyone living in our country to work as long and for as little pay as may be offered. More men will be thrown into the army of unemployed as fewer men can be forced to do the same work. This enables the few to take for themselves the bounties of nature which rightfully belong to all.

If the law were to require, in all industries, the reduction of the hours of labor in proportion to the lessening of time needed to produce goods, then everybody would be employed and there could be no industrial depression. If everyone were employed or could be employed if so desired, then no one could be forced to work for less than fair wages. The fact that a man could go elsewhere and procure fair compensation for his services would compel his employer to pay him fairly. This would put an end to the dreaded evil, unemployment. With everyone employed and able to buy, the demand for goods would soon equal the supply. Not only would the employee class get justice but employers would benefit immeasurably from an assured market for their goods. Poverty would vanish and men would be freed from an economic slavery which is even more cruel and oppressive than was chattel slavery. [Applause.]

Will the principle, I have urged, become law? My hope is unbounded, but for answer let me again quote from George as follows:

The truth that I have tried to make clear will not find easy acceptance. If that could be it would have been accepted long ago. If that could be, it would never have been obscured. But it will find friends—those who will toil for it; suffer for it; if need be, die for it. This is the power of truth.

But he says also, however, that—

For those who recognize justice and would stand for her, success is not the only thing. Success! Why, falsehood has often that to give; and injustice has often that to give. Must not truth and justice have something to give that is their own by proper right—theirs in essence and not by accident? That they have, and that here and now, everyone who has felt their exaltation knows.

Let me hint my own feeling in the matter by repeating a few lines written by me when a young fellow of 23 just out of school. These are the lines:

Poetic lore has often told
Of Nature's blessings, manifold;
And humbler prose, perhaps in mirth,
Proclaims men equal on this earth.

If this be true, why do we see
The wretches men oft seem to be;
Why see the poor forsaken wail
Searching in vain for shelter safe?

One child, of God, first sees the light,
Surrounded by gold and linen white;
Another, Nature's canopy sees,
The Earth his cradle, e'en that not his.

With dirge and funeral rites they lay
The miser in his downy grave;
But yonder poor old tott'ring serf
Can hardly reach kind Nature's berth.

How can we, suffer'g then, behold
God's blessings ruled by weight of gold,
His word construed by greedy wealth,
His off'rings filched with sneaking stealth?

Courage, then, ye men, yet strong,
Gird up your loins, go join the throng,
Battle for Freedom, long sung by the Muse,
Leave not a foeman, heed no flag of truce.

And when the din of battle's o'er,
And selfish Greed shall reign no more,
We'll hasten forth, proclaiming then,
Peace on Earth, good will toward men.

[Applause.]

Yes; often seems the Prince of Light overwhelmed by the Powers of Darkness. So it seems, but finally we shall know that it only seems. To noble minds and hearts of courage Duty's call is loud and clear. Doubt not at all Right's final triumph. The cause of justice will prevail. Tyranny must vanish to the limbo of forgotten things. No longer will hardship plague mankind when we shall take courage and strike from men the chains of injustice.

Released, then, from the power of the oppressor, no more the victim of fear and free from want and the dread of want, men will joyously obey their noblest and best impulses. In their spirit of freedom and with gladness men will embrace the inspiring principles of justice and eagerly devote their hearts and minds to expressing the harmony of life. Then from the earth will vanish the meanness, the envy, the jealousy, and hatred which now blight our harassed civilization.

Along the highway of life, with songs of joy pealing from their hearts and the spirit of justice shining from their eyes, will march the sons of men in the glorious cause of brotherhood. Men will be free men and the grandeur of creation will be manifest throughout the land. [Applause.]

The SPEAKER pro tempore (Mr. O'MALLEY). Under the special order of the House, the gentleman from New York [Mr. CELLER] is recognized for 10 minutes.

Mr. CELLER. Mr. Speaker, I am going to speak briefly this morning on the subject of the Federal Register. You have received in the last few days two copies of the Federal Register. I take it and I say it is regrettable that many Members do not know what the Federal Register is. I shall undertake to explain it to give the reasons why we have been anxious to publish it.

The Federal Register is a daily compilation of all the administrative laws—a daily record of all Executive orders and all rules and regulations issued by the President and all departmental and bureau chiefs. There is also provision for the codification of all past Executive orders and rules and regulations. The daily Register will appear upon your desks five times a week. It will be published Saturdays, Tuesdays, Wednesdays, Thursdays, and Fridays. No rule or regulation can be legally effective unless published therein. As you read

the Federal Register you will be apprised, and the whole Nation will be apprised, of what the various bureaus and departments are doing with reference to the issuance of the rules and regulations, all of which have the force and effect of law.

We pass daily in this Chamber statute after statute. They are classified and compiled as statutes, and you can find them readily in the Clerk's office, in all law libraries, in most law offices, in all public offices.

But try and find the rules and regulations that have been issued, which still have the force and effect of law, for the last 50 years. Unfortunately you cannot find them. The Federal Register is supposed to and will remedy that defect.

When you take into consideration that the heads of bureaus have the right to issue these regulations, provide therein dire penalties, including fine and imprisonment—and you further take into account the fact that the rules and regulations cannot often be found, I say the situation is barbarous, and it is for the purpose of removing this barbarous defect that the Judiciary Committee reported out my Federal Register bill, which has passed the House and the Senate and been signed by the President.

Numerous organizations—the American Bar Association, the American Medical Association, and scores of associations equally important—have been in favor of this Federal Register. Now, there are some, particularly the distinguished gentleman from Missouri [Mr. COCHRAN] and the gentleman from Indiana [Mr. LUDLOW], who think it is too expensive and ought not to be issued.

I cannot conceive that these gentlemen would want to punish citizens for violation of rules they are ignorant of and cannot, even by due diligence, discover. Bentham said:

We hear of tyrants, and those cruel ones; but whatever we may have felt, we have never heard of any tyrant in such sort cruel as to punish men for disobedience to laws or orders which he had kept them from the knowledge of.

When you perceive that, for example, in the National Recovery Administration, which has gone to limbo, there were 2,998 administrative orders issued, scattered among 5,991 press releases, involving 10,000 pages, and when you further contemplate that you often did not know where they were or what they were, involving the rights, properties, and liberties of the people of the Nation, indeed it was time to call a halt. The gentleman from Missouri [Mr. COCHRAN] said that the N. R. A. has passed. There is more than the N. R. A. There are a thousand and one bureaus doing the self-same thing that the N. R. A. had been doing. There are, for example, the Executive orders of the President. Try to find the Executive orders by President Coolidge or President Harding or President Hoover, even. They were frequently issued in single sheets of paper, in single pamphlets, sometimes they appear as telegrams, and they are supposed to be filed in the State Department, but try to find them. There is no compilation, no index, a hopeless jumble.

I herewith give you the number of Executive orders and proclamations issued by the various Presidents from Lincoln down to Roosevelt:

Executive orders issued by the various Presidents

	Executive orders	Proclamations
Franklin D. Roosevelt.....	1,469	121
Hoover.....	1,004	168
Coolidge.....	1,248	201
Harding.....	484	80
Wilson.....	1,770	361
Taft.....	699	365
Theodore Roosevelt.....	111	407
McKinley.....	50	60
Cleveland.....	168	53
Harrison.....	3	66
Cleveland.....	15	22
Arthur.....	3	17
Garfield.....	None	None
Hayes.....	None	15
Grant.....	13	55
Johnson.....	5	51
Lincoln.....	2	40

¹ Second administration.

² First administration.

You will note Lincoln issued two Executive orders, and Roosevelt during the time he has been in office issued already over 1,469 orders. Garfield issued no Executive orders; Hoover issued 1,004; Grant issued 13; Coolidge 1,248.

We are told by a committee of the American Bar Association:

The practice of filing Executive orders with the Department of State is not uniformly or regularly followed, and the totals are really greater than above indicated. Some orders are retained or buried in the files of the Government departments, some are confidential and are not published, and the practice as to printing and publication of orders is not uniform. Some orders are made known and available rather promptly after their approval; the publication of others may be delayed a month or more, with consequent confusion in numbering. The comparatively large number of recent orders which incorporate provisions purporting to impose criminal penalties by way of fine and imprisonment for violation is without numerical precedent in the history of the Government.

The association then recommended regular publication of these orders.

I commend to the House the very thoughtful letter which I have received from our colleague from Virginia [Mr. WOODRUM] under date of February 20, 1936.

MY DEAR MR. CELLER: I am advised that you will have a hearing on tomorrow, Friday, on the bill introduced by our colleague [Mr. COCHRAN] to repeal the Federal Register Act. I regret very much that my absence from the city will prevent my personal attendance at your hearing.

Without going into a lot of detail, I will say that the Appropriations Committee of the House (both the deficiency subcommittee and the Committee on Independent Offices, each of which I am a member), has gone into the matter most carefully with reference to the establishment of the Federal Register. In my judgment, there is a very definite and positive need for this publication and for the compilation for which the act provides.

It seems to me that the set-up is modest and as economical as possible under the circumstances. The cost of printing will, of course, be by far the major item. In my judgment as a Member of the House, it would be a very serious mistake to interfere with the organization which has been set up and which is now busily engaged in carrying out the mandate of Congress.

With best wishes, I am,

Yours very truly,

CLIFTON A. WOODRUM.

We have made an appropriation thus far for the publishing of the Federal Register, for a period of 4 months, of \$100,000. There is involved an employment of but 15 persons. I am in receipt of a very interesting letter from Mr. B. R. Kennedy, Director of the Division of the Federal Register, which I herewith set forth:

THE NATIONAL ARCHIVES,
Washington, D. C., March 12, 1936.

HON. EMANUEL CELLER,

House Office Building, Washington, D. C.

MY DEAR MR. CELLER: Replying to your letter of March 11 enclosing the comments of Mr. SNYDER of Pennsylvania, on the appropriation for printing the Federal Register, it seems to me that Mr. SNYDER's statement that \$75,000 was cut out of the appropriation for the present fiscal year in order to eliminate the publication of the past accumulations of regulations is erroneous. My understanding, when I appeared before the Appropriations Committee, was that the only reason for cutting the amount asked for from \$295,000 to \$100,000 was that the time involved was only 4 months, and on an estimate of \$300,000 a year for printing the Register, \$100,000 seemed the proper amount for the 4-month period. Moreover, the Federal Register Act did not contemplate the printing of the supplemental edition during this fiscal year. It has first to be authorized by the President.

As to the comment that some of the committee feel that this publication may not be as valuable as its sponsors thought it would be, there is nothing I can say which will add to the statements made by Judge Stevens, Mr. Dickinson, Professor Griswold, Congressman Shanley, Congressman Driscoll, Judge Townsend, and members of your subcommittee in the hearings before your subcommittee of the Judiciary Committee. The necessity and value of the Federal Register were so thoroughly explained by them and the duty of the Government to publish such a paper so carefully outlined that it would be impossible to enlarge upon them.

If there is any further information at my disposal which you would like, please let me know.

With kindest personal regards, I am,

Sincerely yours,

B. R. KENNEDY, Director.

I often made search for certain rules, and frequently was told, "They are out of print." At other times they were lost.

We had an anomalous situation with reference to the oil code. A man was indicted and convicted in the lower courts.

The case came to the Supreme Court of the United States, when, lo and behold, it was discovered before the argument in that august body that the particular provision of which the defendant was accused of violating never existed, and the Government was put in the awkward and embarrassing position before the Supreme Court of being compelled to ask for the dismissal or withdrawal of the suit, because the alleged offense was not an offense at all. Apparently neither the N. R. A. officials nor the Department of Justice knew of the exact wording of that code. The Register would have saved the Government expense and embarrassment and the citizen his trouble and chagrin at being classed as a criminal. At the time this very significant remark was made by Chief Justice Hughes, "Why is there not a repository of the Executive orders and the rules and regulations issued by the various departments?" The Federal Register, I say to the gentleman from Missouri, answers the query put by Chief Justice Hughes.

In an argument before the Supreme Court last week on the Securities and Exchange Commission Act the claim was made by the defendant contesting the act's validity and constitutionality that the rules and regulations of the Securities and Exchange Commission under the basic statute must be published, and that there was no publication of the rules and regulations of the Securities and Exchange Commission, because they were simply issued by a clerk or the secretary of the Commission and then given to the newspapers. Very properly they said that was not publication, and I think the Supreme Court will have something to say as to whether or not that is publication; but the minute such rules are filed in the Federal Register, where he who runs may read, that will be publication beyond question. Brother COCHRAN would run the risk of having the law declared invalid for want of publication.

Away back in 1890 the same situation confronted England. There was an avalanche of administrative law, which, as here, has the same effect as statute law. Back in those dark days Englishmen argued as we are arguing, but they saw the light—long before we did—and England started to publish its Gazette, which is exactly what we are publishing as a Federal Register. Every Latin country has wrestled with this problem, and each country has its gazette or register. All of the colonies of England have it.

Canada has had one for years, and I should say that the opposition is almost verging on false economy, as far as the gentleman from Missouri [Mr. COCHRAN] is concerned, and particularly those who will in the future try to strike at the Federal Register by cutting off appropriations. We have appropriated \$100,000 for a 4-month period. I am willing to try the thing out. We are trying it out. If it does not work, I shall be the first to come here and ask the withdrawal of the publication of the Register, but I do not think that will be the situation at all. For the interest of the gentleman from Missouri—and only for his benefit and no other, and I say this very respectfully—we of the Judiciary Committee conducted a second hearing, something rather unusual. We had the chief justice of the Court of Appeals of the District of Columbia, Judge Harold M. Stephens, before our committee. He is an expert, probably the most skilled one on the subject of administrative law. Almost all rules and regulations of all departments sooner or later come for adjudication in his court in the District of Columbia. He said:

It is idle to attempt to know what the law is today without knowing what the regulations are or the Executive orders, and I, as a lawyer and a judge, say that we have no dependable source except the Federal Register for obtaining those laws and those rules and regulations at the present time.

Judge Stephens had previously been the Assistant Attorney General prosecuting the alleged oil-code violations. Among other things, he said:

Now, my friend, Congressman COCHRAN, says that all I would have had to do in the Supreme Court, when the Chief Justice and the other Justices asked me why I had not found this order, was to go and ask a question and go and get it. We had tried for weeks to get it. That is a spectacular illustration, nevertheless, of the underlying principle that I am here to speak about, and that is, that no such situation should be permitted by law to exist.

Furthermore, the present Assistant Attorney General, John Dickinson, formerly the Assistant Secretary of Commerce, appeared before our committee and listened to the arguments of the gentleman from Missouri, who also appeared. The latter stated that the Register was unnecessary because the constituent could get the information desired from his Congressman or from the trade associations that have representatives in Washington. In reply Assistant Attorney General Dickinson said, as follows:

Now, it is perfectly true that, by belonging to some of the associations to which Mr. COCHRAN referred, one could get a good deal of the information that he has in mind. However, there are a good many business people in this country that do not belong to those associations. There are a great many business people that are not large enough to maintain the contacts in their own organizations that is necessary to supply them with this essential information as to the law. I do not feel that an individual who is not in position to maintain those contacts ought to be any the less able to find the law applicable to him, than the individual who does belong to organizations of that kind.

I am thinking about the lawyer out through the country, the lawyer in the small country town who has a case that involves tracing down of the law frequently through those rules and regulations. I think they ought to be available in the country court-houses throughout this country, compiled and currently issued, these rules and regulations of the Federal Government, in the same way that there are available sets of United States Statutes at Large, and sets of the Supreme Court and Federal Reporters.

I am thinking about the man who only occasionally comes into contact with these rules and regulations, the lawyer who only occasionally comes into contact with them, but to whom they are very vital when he does need them.

Mr. COCHRAN referred to the compilations that are issued by the different bureaus themselves. That is simply another instance of the feeling that there is a responsibility upon the Government to make this material available to the people who are bound by it. It seems to me that that is an argument in favor of the Register rather than an argument against it, because the publication now is necessary, as is illustrated by the compilations that are issued by the various bureaus and departments.

There also appeared before our committee Prof. Edwin N. Griswold, of Harvard University. He had been 5 years with our Department of Justice. He had written a very illuminating article for the Harvard Law Review, entitled "Government in Ignorance of the Law", on the need for the publication of all rules and regulations. It was that article that inspired me to introduce the bill. Professor Griswold testified as follows:

As a matter of fact, as I recall it, I think it went back to a day in 1930, when I was assigned to prepare a draft of an opinion of the Attorney General in response to an inquiry from the Secretary of the Treasury about two poor school teachers out in Illinois, who had endorsed some Liberty bonds in blank to send them in for redemption, and after they had been endorsed in blank they were stolen; and the question was whether they were entitled to have them replaced or whether their endorsement in blank deprived them of their property after they were stolen.

So I found that the law said that the Secretary may restore stolen bonds, under regulations to be prescribed by him, and, naturally, I looked for the regulations. I hunted high and low through the Department of Justice. There simply was not a trace of any such regulations. I called up the Treasury Department and got hold of the Bond Division, and they said, "Why, yes; there is such a regulation, but it has been out of print for years. If you will come over here, we will be glad to let you see it." I went over and saw that copy of it, the relevant part, and I said, "Is this the latest thing?" And they said, "No; there have been three or four amendments. We have them in the drawer here." They never had been printed and that was the thing that controlled the question whether the ladies out in Illinois were entitled to \$2,000, which were their life savings.

Professor Griswold continued:

The difficulty with the situation, or with the remedy which Mr. COCHRAN suggests, seems to me is the fact that for some of the regulations it is not so hard to find them as it is awfully hard to be sure you have got the latest thing. The dangers are from the regulations you do not know about, and as the situation now stands it is almost hopeless to find out whether that is the regulation on any certain particular matter.

Since we do have the Federal Register, we can look at one place, the index, and find out if that is the regulation on this point.

I think this is a situation where it is very easy, in the name of economy, to do something that will turn out to be very expensive, and I think particularly about just one case, which could be one case out of many, in which I had charge of preparing the Government's brief before the Supreme Court of the United States. The question involved some insurance in favor of an enlisted man in the Navy. He had enlisted at one place and had

been discharged, and reenlisted again within 3 months after that, and the law provides that if you reenlist within 3 months, your term is continuous, because it gives a man a sort of chance to get a vacation between enlistments. When he reenlisted, he did not instruct the pay clerk to deduct the amounts necessary to pay the premiums on his insurance, and those amounts had not been deducted, and he had always taken full pay thereafter, and knew that he got full pay. He died, and then his heirs claimed the insurance.

Now, it looked very bad, because his enlistment wasn't continuous. It looked bad. I defended the case, and the statute said something about a continuous enlistment and the instructions to withhold the pay should continue, "except as otherwise provided by regulation."

Well, that case had been tried through the lower courts without anybody ever finding any regulation which otherwise provided, and had gotten before the Supreme Court, and I took 2 days of the Government's time and went through a great mass of regulations, and finally, much to my surprise, found the specific regulation that said that if you reenlist in a different place, that you must make a new declaration, must take out your insurance premiums. That regulation saved the Government of the United States \$10,000. When you multiply that by a few, you have covered all the expenses of printing the Federal Register, and very likely a great deal more.

I have great respect and regard for the gentleman from Missouri. I commend his zeal for decreased expenditures. But in this matter his zeal is misplaced.

I will say that we on the Judiciary Committee are trying also to keep the expense down. I shall report to the House shortly a bill to codify instead of compile all past rules and regulations. The codification would be a smaller and more economical publication than compilation, because it would eliminate a great deal of dead material.

The gentleman from Missouri said that there was no demand for the Register. That is answered by the testimony of Mr. Kennedy, which, in part, is as follows:

In order to indicate the interest shown by the general public in the Federal Register and the necessity for such a publication, it is only necessary to consider several outstanding facts: First, the long-felt need for this publication was emphatically shown by the attitude of the Chief Justice, when he inquired in the "hot oil" cases whether there was some one place in the Government where the public could find all Executive orders, proclamations, codes, rules, and regulations of general applicability and legal effect, particularly those embodying a penalty, which had never been promulgated and of which the public was unaware. This led to the establishment of a committee representing most of the Government agencies, which eventually drew up an outline for the Federal Register Act.

The number of copies of the daily issue of the Register which have been requested by the various Government agencies as necessary for their use approximates 2,200. There have been about 500 requests from depository libraries for copies of the Register and as many more are expected. There will be needed for the use of the Senate and the House of Representatives and other officials at the Capitol about 1,200 copies. There have been about 200 telephone inquiries at the office of the Division of the Federal Register as to date of issue, cost, and so forth. More than 50 individuals and corporations, some of national prominence, have made inquiry or asked to be placed on the mailing list of this publication. One hundred and twenty-five copies go to the Library of Congress for exchange with foreign countries.

The State Department, for many years, has had from 600 to 1,000 copies of each Executive order printed, and in a large number of cases this entire supply has been exhausted in a short time. The Government Printing Office has received constant requests for Executive orders, rules, and regulations from various departments, many of which it has been unable to furnish because they were never printed.

There are various commercial services, such as Commerce Clearing House, Prentice-Hall, the United States News, and others, which have an aggregate subscription list of more than 300,000 and which furnish their subscribers, among other things, with information as to Executive orders, rules, regulations, codes, and so forth. None of them, however, furnishes a complete publication such as the Federal Register will do.

The normal procedure for requesting copies of regulations, etc., is to address the agency issuing them, and every such agency receives numerous requests for these regulations, which they fill if possible. The fact that many of them do not print or publish their regulations is one of the reasons for the existence of the Federal Register. The office of the Superintendent of Documents, Government Printing Office, continually has numerous calls for Government regulations of all kinds.

Mr. COCHRAN. Mr. Speaker, the gentleman from New York has mentioned my name on several occasions during his address, and in fairness I ask unanimous consent that I may have 5 minutes to reply to the gentleman from New York.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. CELLER. Reserving the right to object, I should like to have 5 minutes to reply to the gentleman from Missouri.

The SPEAKER. The gentleman from Massachusetts [Mr. TREADWAY] has 20 minutes under the order of the House.

Mr. TREADWAY. Mr. Speaker, I should be glad to accommodate the gentleman from Missouri by delaying my remarks for 5 minutes.

Mr. CELLER. Mr. Speaker, I reserve the right to object unless I have 5 minutes to reply to the gentleman from Missouri. Will the gentleman let me have 3 minutes?

Mr. COCHRAN. No.

The SPEAKER. The gentleman from Missouri asks unanimous consent to proceed for 5 minutes. Is there objection?

Mr. CELLER. I reserve the right to object unless I have 2 minutes to reply.

The SPEAKER. The question is, Does the gentleman object? No conditions can attach to the request.

Mr. CELLER. Will the gentleman yield to me for 2 minutes?

Mr. COCHRAN. No; I will not.

Mr. CELLER. Then, Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts [Mr. TREADWAY], under the special order of the House, is recognized for 20 minutes.

FEDERAL COMMUNICATIONS COMMISSION

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a brief table prepared from information furnished through the Department of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TREADWAY. Mr. Speaker, as I have two important subjects to discuss, I request that I be not interrupted.

Mr. Speaker, great indignation has been expressed throughout the country at the procedure of a certain committee which, without authority of law, has secured access to millions of private wire messages. Practically the entire blame for this situation has been laid at the door of a certain committee. I think the shoe is on the wrong foot. If such a committee desires to exploit itself to gratify its curiosity, I am not so much concerned about it as I am at the failure of officials to respect their oaths of office.

The Federal Communications Commission came into being by act of Congress approved June 19, 1934, now known as Public, No. 416, Seventy-third Congress. As was to be expected, the Commission has set up a long list of employees, various divisions, always to aggrandize their own jobs, and to provide patronage positions for deserving Democrats. It happens that this organization has a peculiar feature about it, that no end of employees can be given positions outside the civil service, but in addition to that they can secure employees through the civil service. So they can pad the payroll account of this Commission either way, through the civil service or through Democratic patronage. I do not know whether that provision applies to other commissions, but it does apply to the one to which I am referring.

The first duty of the Commission itself should have been to acquaint itself with its own authority and to know the contents of the law under which it is functioning. The ignorance which its members have shown is culpable and deserves the severest condemnation, even to the extent of removal from office. I advocate the latter procedure. I doubt if it will be taken, but I advocate removal from office of the members of this Commission.

Here we have another example of the Government meddling in business. I do not hesitate to say that there is absolutely no authority in law for compelling telegraph companies to break confidence with their customers and provide any committee with their entire file of messages. The Federal Communications Commission should have known

the contents of section 220 of the act, which permits investigation and examination only for the purpose of checking accounts. I have the act before me, and for the information of the House I want to call attention, on page 16, to the authority for inspection which is granted to the Commission. Paragraph (c) of section 220 reads as follows:

(c) The Commission shall at all times have access to and the right of inspection and examination of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by such carriers, and the provisions of this section respecting the preservation and destruction of books, papers, and documents shall apply thereto. The burden of proof to justify every accounting entry questioned by the Commission shall be on the person making, authorizing, or requiring such entry and the Commission may suspend a charge or credit pending submission of proof by such person. Any provision of law prohibiting the disclosure of the contents of messages or communications shall not be deemed to prohibit the disclosure of any matter in accordance with the provisions of this section.

This entire paragraph applies purely to the authority for inspection for accounting purposes and nothing else.

I also find that paragraph (f) reads as follows:

(f) No member, officer, or employee of the Commission shall divulge any fact or information which may come to his knowledge during the course of examination of books or other accounts, as hereinbefore provided, except insofar as he may be directed by the Commission or by a court.

Now, that ties in every member of the Commission. Authority to inspect these telegrams and turn them over to a certain committee could not have been given by anybody but the entire Commission unless they violated section (f) of the statute to which I am referring. Bear that in mind.

Except insofar as he may be directed by the Commission or by a court.

Certainly, it is a long stretch of imagination to consider a committee as a court.

I want now to refer also to another paragraph of the law, section 605, which reads as follows:

UNAUTHORIZED PUBLICATION OF COMMUNICATIONS

SEC. 605. No person receiving or assisting in receiving, or transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception, to any person other than the addressee, his agent, or attorney, or to a person employed or authorized to forward such communication to its destination, or to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, or to the master of a ship under whom he is serving, or in response to a subpoena issued by a court of competent jurisdiction, or on demand of other lawful authority; and no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person; and no person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto; and no person having received such intercepted communication or having become acquainted with the contents, substance, purport, effect, or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto: *Provided*, That this section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication broadcast, or transmitted by amateurs or others for the use of the general public, or relating to ships in distress.

What could be more positive than the denial of authority to divulge the contents of any telegram? Even if shown to be "on demand of lawful authority", such permission could only be construed as for lawful purposes.

I may say further that this is not the first time this question has come up. The Securities and Exchange Commission nearly a year ago—I think they have been in existence about a year—asked for the contents of certain telegrams and the then General Counsel of the Federal Communications Commission, Mr. Spearman, denied it. It is a matter of record that the request for those telegrams was denied.

Further than that, Mr. J. Edgar Hoover, in his official position in the Department of Justice, later on also asked to be given copies of certain telegrams, and his request was likewise denied. More recently this permission to which I have referred was given; and not only did the entire Commission go on record in favor of showing those telegrams, but the telegrams were sorted out by the officials of the Commission into two piles, one of which they thought would be of interest to a certain committee, and the other they thought would not be of any use to them, and they cast those to one side. In other words, a certain committee was being waited upon by the Commission or some agent of theirs—a patronage appointee, I suppose—looking around for this information. I think the culpability of the Commission is so gross, and they have gone so far beyond their authority under the law, that they should be summarily removed from office. [Applause.] I demand such action on the part of the administration, but I do not think the demand will be recognized by the parties in charge. I do feel, however, that the business interests of this country have some rights, even under this administration, to protection in their legitimate business; and certainly no man, no Member of this House, or of any other body, would say that the entire file of telegrams sent by the business concerns of this country should be open to any committee whatsoever.

I think that is the story of the present situation, and it is one that ought to be corrected and regulated. If this sort of thing is to be continued, and no man or business concern is to have any protection from the inquisitiveness of certain people, what will happen? It does not appear to me to be a very satisfactory situation. I leave that subject there.

RECIPROCAL-TRADE TREATIES

I want now to congratulate the State Department on having received the resignation of Professor Grady, who has been more responsible, I think, for the phraseology of the trade agreements than any other one man, although, of course, his superior is the great internationalist, Dr. Sayre, and Dr. Sayre's superior officer is our old colleague and intimate friend, Cordell Hull.

I was interested, and quite amused as well, Sunday morning, to read in the press the resignation of Dr. Grady, the internationalist from California; but the principal feature of his resignation that struck me as so extremely interesting was the fact that it will not take effect until July 1, in order that he may remain in the East rather than return to Berkeley, Calif., during the period that Mrs. Grady is a delegate at large from California to the national Democratic convention to be held in Philadelphia. Dr. Grady, it will be represented, has acted in the most nonpartisan, patriotic manner in trying to ruin the domestic trade of this country and bring in goods from foreign lands—entirely impartial and nonpartisan, I assume. It did look quite queer to me, however, that he was anxious to stay here until he was sure that his chief, Mr. Roosevelt, had been renominated and that part of the effort to secure his nomination should come from Mrs. Grady.

What is the result of the trade agreements constantly being brought to the surface? Why, it is the tearing down of our industries. I was amused a few moments ago to see over in the old House Office Building lobby pictures showing new land that is going to be cultivated by the W. P. A., the P. W. A., or some other alphabetical agency, in order to put fertility in the soil and develop new land. What are you going to do with the new land when, through the reduction of tariff rates, you open the markets of this country to all foreign produce?

How can it be justly said that Dr. Grady knows better what is good for the agriculturalists of this country than they do themselves or the Members of this Congress? He has shown great conceit in his own opinion of himself, but it so happens that all of us do not agree with him.

The result of these reciprocal-trade treaties is shown in the accompanying table which I have been given permission to insert in the Record and which appears at this point.

Recorded exports and imports
[Source: Department of Commerce]

Year	Goods sold to the world, net exports	Silver bought from the world	Gold bought from the world	Total
1929.....	\$841,000,000	19,000,000	120,000,000	740,000,000
1930.....	782,000,000	11,000,000	278,000,000	515,000,000
1931.....	334,000,000	2,000,000	176,000,000	508,000,000
1932.....	289,000,000	6,000,000	11,000,000	272,000,000
1933.....	225,000,000	41,000,000	173,000,000	357,000,000
1934.....	478,000,000	86,000,000	1,217,000,000	1,825,000,000
1935.....	234,000,000	336,000,000	1,739,000,000	1,841,000,000

¹ Net imports.

We exported from this country in 1929 goods to the value of \$841,000,000 in excess of our imports. There has been a continuing decrease, except for one year, from then until 1935, at which time our net exports had fallen to \$234,000,000. The balance of trade was the other way by some \$19,000,000. Last year we bought \$336,000,000 worth of silver, and in the corresponding time last year we bought \$1,739,000,000 worth of gold, which is now stacked up in this country. There is no use for it, there is no purpose whatsoever in having it. This results in a total balance of trade against us last year of \$1,841,000,000. The way that was brought about is that we have reduced our own markets in connection with exports and we have opened our markets to imports from foreign countries. We have paid for the extra balance in imports of gold and silver, not in our own commodities but in stocks, bonds, and other securities. The foreigners have taken that money and put it into our securities and their own securities on the markets of Wall Street and elsewhere. That is the distinct, positive, and proved result of your reciprocal-trade agreements. The sooner that law is repealed the better for the interests of this country, whether they be agricultural or what they may be.

Mr. Speaker, there is no way whereby you can force foreign countries, getting our gold and silver in payment for their produce brought to this country, to buy our products in accordance with the manner the reciprocal treaties call for. Theoretically the scheme might be a good one, but it is like so many other will-o'-the-wisps, practically it is ruination to agricultural and mercantile pursuits of this country.

I received a telegram yesterday from a mill in my State stating that it was obliged to consolidate with a mill in another State because they have not business enough to keep them going. They have to move out of the State of Massachusetts because there is not enough to keep them going, owing to the tremendous amount of imports coming into this country. So we find that these reciprocal treaties bring about no benefit whatsoever to the manufacturers or orders for our goods.

We are getting ready to spend \$500,000,000 annually to curtail surplus crops. Yet these same surplus crops will be increased in direct proportion to lowered tariff rates on all forms of agricultural products. Think of it! You are increasing the surplus crops directly as you receive imports from foreign countries, particularly from Canada, of the products that they grow. It is a shame. We destroy our American industries by tariff reductions in giving foreigners increased purchasing power, and they do not use this increased purchasing power to buy our goods.

Mr. Speaker, there is the story. The statements I am making plainly prove two things: First, that further tariff reductions are detrimental to the United States; and, second, it is a false assumption to say that foreigners will buy our goods if we give them increased purchasing power, whether by tariff reductions or gold and silver purchases. The records show they do not buy our goods. The tables show that the foreigners do not use their increased receipts to purchase our goods, but rather to increase their own dividends. That is what they are doing. If they took the money that we are providing them with to balance accounts, it would not be long before their \$13,000,000,000 of indebtedness on account of the war could be paid off. That is not what they want to use this money for. I do not know why that would not be a fair

transaction. They have shipped their goods to this country, and all we get out of it is the opportunity to pay for the goods and they get the benefit of the exchange. I do not see why one account could not balance the other. I do not think there is any explanation why we should be paying out one and a half billion dollars a year—\$3,000,000,000 in 2 years—for foreign-made goods and gold and silver and not force them to credit the balance they owe us from the war.

[Here the gavel fell.]

PRIVATE CALENDAR

The SPEAKER. The Clerk will call the first bill.

Mr. COCHRAN. Mr. Speaker, it is not my purpose to filibuster against the omnibus bills this afternoon, which involve millions of dollars. There are many meritorious bills that should be passed. I do think the membership of the House should know that we are about to consider these bills. I therefore make the point of no quorum.

The SPEAKER. The Chair will count. [After counting.] Evidently not a sufficient number.

Mr. BANKHEAD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 36]

Adair	Dear	Kerr	Romjue
Andrews, N. Y.	Dempsey	Kleberg	Russell
Ayers	DeRouen	Larrabee	Sabath
Bacon	Ditter	Lee, Okla.	Sanders, La.
Berlin	Doutrich	Lewis, Md.	Schulte
Boland	Duncan	McGroarty	Scrugham
Bolton	Ellenbogen	McLean	Somers, N. Y.
Brennan	Evans	McLeod	Steagall
Brooks	Farley	McSwain	Sweeney
Buckbee	Gasque	Marshall	Taylor, Tenn.
Buckley, N. Y.	Goldsbrough	Montague	Terry
Bulwinkle	Gray, Pa.	Montet	Thomas
Carpenter	Green	Moritz	Underwood
Cary	Greenway	Norton	Wadsworth
Casey	Hamlin	Oliver	Wilson, La.
Chapman	Harlan	Perkins	Wilson, Pa.
Claborn	Higgins, Mass.	Peyser	Wood
Clark, Idaho	Hobbs	Ransley	Woodrum
Cooley	Hoeppel	Reece	Zioncheck
Corning	Jenckes, Ind.	Reilly	
Crowther	Kee	Rich	
Culkin	Kelly	Robison, Ky.	

The SPEAKER. Three hundred and forty-five Members have answered to their names, a quorum.

On motion of Mr. BANKHEAD, further proceedings under the call were dispensed with.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9863) entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1937, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10919) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GLASS, Mr. McKELLAR, Mr. HAYDEN, Mr. STEIWER, and Mr. NORBECK to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3071) entitled "An act providing for the placing of improvements on the areas between the shore and bulkhead lines in rivers and harbors", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COPELAND, Mr. FLETCHER, and Mr. McNARY to be the conferees on the part of the Senate.

THE PRIVATE CALENDAR

The SPEAKER. The Clerk will call the first omnibus bill on the Private Calendar.

The Clerk called the first omnibus bill on the Private Calendar, H. R. 8236, for the relief of sundry claimants, and for other purposes.

STANLEY A. JERMAN, RECEIVER FOR A. J. PETERS CO., INC.

The Clerk read as follows:

Title I—(H. R. 1366. For the relief of Stanley A. Jerman, receiver for A. J. Peters Co., Inc.)

That the claim of Stanley A. Jerman, receiver for A. J. Peters Co., Inc., for forage delivered by the said A. J. Peters Co. to the Quartermaster Corps, War Department, during the late World War, and the years 1917 to 1919, inclusive, and used by the War Department, for which no payment whatever has ever been made under the following contracts and orders: P. O. 20847, P. O. 21212 to P. O. 21217, both inclusive, P. O. 21219, P. O. 21319, P. O. 21320, P. O. 21469, P. O. 21494, 51, contract dated March 31, 1917, P. O. 2350 to P. O. 2352, both inclusive, P. O. 20260, P. O. 20836 to P. O. 20838, both inclusive, be, and the same is hereby, referred to the United States Court of Claims with jurisdiction to hear and determine the same to judgment, notwithstanding the statute of limitations: *Provided*, That the petition is filed within 6 months from the date of this act.

Mr. COCHRAN. Mr. Speaker, I move to strike out title I.

The SPEAKER. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 1, line 3, strike out all of title I.

Mr. COCHRAN. Mr. Speaker, numerous omnibus bills are on the calendar today. The membership should understand that the first two bills are war claims bills. The war ended in 1918, seventeen years ago, but there are claims here that go back to the Civil War.

This first claim has been considered by the War Department, by the Department of Justice, and by the Comptroller General, and they allowed a net balance on the claim of \$2,428, which was paid and closed the case.

The claimants were indicted, but this did not preclude their right to go into the Court of Claims if they had desired to do so. They slept on their rights. Three Government agencies have considered this case, and now we are asked to send it to a fourth Government agency, and the claimants want \$31,000.

This is all I have to say on this bill, Mr. Speaker, except I would like to call the attention of the House to the fact that in Friday's RECORD, which you will find in the rack, at page 3607, I briefed these claims, and the information that I furnished the Members is not my own entirely but comes from the various departments to my committee. I also have received reports from the Comptroller General in each case that I mention, and he is in possession of whatever records still exist in each of these cases.

I am perfectly willing for the House to consider the claims and expedite them, but I think you should know the facts in reference to each one of them.

There are dozens of meritorious claims in some of the omnibus bills that should be passed today, but sandwiched in between them are bills that amount to large sums; and in this one bill we have up now the total amount involved is \$1,288,000, comprised in five different measures. I leave it to the House as to whether it wants to pass the first measure and let a fourth agency of the Government audit a claim when three different agencies have audited the claim and have allowed and paid \$2,400.

Mr. THOMASON. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I am in sympathy with the good purpose of my friend from Missouri when he says that we ought to stop any of these illegal or fraudulent war claims, but that does not apply to this bill.

I do not know Mr. Stanley A. Jerman, receiver for A. J. Peters Co., Inc., and neither do I know A. J. Peters Co. I never heard of any of them, do not know where they live or know anything about their business, but I do know Heid Bros., of El Paso, Tex., who furnished to A. J. Peters Co. some of this hay that the Army received and whose animals ate this hay, which has never been paid for.

May I say further that if you will look at the report on this bill you will see that this bill unanimously passed the Claims Committee of the House of Representatives in the Seventy-first Congress; it unanimously passed the Claims Committee of this House in the Seventy-second Congress; it

unanimously passed the Claims Committee of this House in the Seventy-third Congress; and now it is here again with a unanimous report.

The only thing in the world that this bill does is to give these parties an opportunity to go to the Court of Claims and have this matter fairly and finally settled. My friend from Missouri said it had been investigated by the War Department and turned down; likewise by the Attorney General; but I hope you will be fair enough, before you vote against this bill, to read the report signed by the Acting Secretary of War himself, the Honorable F. H. Payne. I do not have time to read all the report, but let me read you this much of it:

The vendor upon being notified as to the grade of hay received and advised as to the price at which same would be accepted, usually acceded to the terms offered, and the commodity was purchased by the Government at the price agreed upon as being proper for the quality of this forage.

Let me say in this connection that the only trouble that ever arose about this matter was this: Heid Bros., of El Paso, sold some of this hay to this Peters crowd, and they shipped the hay to Arizona, where there was a big cantonment or a big lot of troops. This hay was sold subject to grades and weight at destination, and those grades and weights were passed upon exclusively by War Department officers, and their statements were accepted absolutely, and these people, whom I know and vouch for in my city, did not have anything more to do with that than one of you.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. PITTENGER. Is this a case of the Government getting hay and then not paying for it?

Mr. THOMASON. The Government got this hay and that part of it still in controversy has not been paid for. I mean they have not paid for the part now in question. It is probably true they paid this \$2,000 my friend from Missouri refers to. I know they did if the gentleman from Missouri and the Comptroller General say so, but there is still a large or substantial amount due on this claim.

Let me say this. The Secretary of War says that after suspicion was aroused the records of the Department show that a great quantity of hay was furnished the Government by Peters & Co., and somebody was indicted, and everybody in connection with the matter was acquitted. Here is what the War Department says:

As a result of the investigation conducted, criminal proceedings were brought against the members of this firm for fraud and conspiracy in restraint of trade. At the request of the Attorney General payment of the amount appearing to be due the company was withheld by the War Department, and subsequently a claim against the Government was filed by the said company for the sum of \$31,915.70 for the value of the hay alleged to have been furnished.

Now, listen to this before you vote on this proposition:

Upon failure of the United States attorney to get a conviction in any of the cases tried, the criminal action against members of the firm was dismissed on recommendation of the Attorney General, and an investigation was then made to determine the advisability of bringing civil action against the company. The contemplated civil action was abandoned when it was learned that an audit of the accounts indicated there was no amount due the United States.

Now, listen to the excuse that is made on the part of the Government:

Due to the long period which has elapsed since the transaction involved took place, and the fact that many records pertaining to the matter cannot now be located, the Government would be at a great disadvantage were it required to defend itself in a suit at this time.

If the Government is at a disadvantage, how about the people who furnished this hay and never received a cent for it, hay that the Government fed to its horses and mules?

Let us be fair about this matter.

All parties charged with fraud or misrepresentation were promptly acquitted. All this bill does is to give them the right to go before the Court of Claims, where justice can be done. Not one cent of money is appropriated. The Treasury is not out a single cent.

I am sure you will not do an injustice to these citizens and taxpayers since the hay was delivered to the Government and fed to Army horses and mules. Are they not the ones at a disadvantage? Let us give them their day in court. That is all these people ask for. They furnished large quantities of hay, and it is an outrage not to give them their day in court. I repeat I do not know Jerman or A. J. Peters Co., but I do know Heid Bros. They are my friends and constituents. They are honorable men, and I vouch for them. They are entitled to pay for their hay.

Mr. SHORT. Will the gentleman yield?

Mr. THOMASON. I yield.

Mr. SHORT. According to my colleague, many of these claims are deserving. I happened to be a member of the War Claims Committee in the Seventy-first Congress, which considered this bill, and it was reported favorably by unanimous vote. It is a meritorious claim.

Mr. THOMASON. I thank the gentleman. I have never been a member of the War Claims Committee, but I think that these people should have their day in court. The War Department itself says they were acquitted of any wrongdoing. The War Department said they had an audit and found these people innocent. The only excuse the Secretary of War can offer is that they have misplaced some of their papers, and the Government would be at a great advantage. That is not the fault of these good citizens. I plead for justice and fair, square dealing between a great Government and its citizens. All I ask for is a square deal, which these people have not received. Nobody will be hurt by an open, fair hearing before a competent and impartial court.

The SPEAKER. The question is on the motion of the gentleman from Missouri.

Mr. BEITER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BEITER. The amendment offered by the gentleman from Missouri, if the Members desire to sustain the committee—

The SPEAKER. That is not a parliamentary inquiry. The question is on the motion of the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will read the next title.

CLAIMS OF CERTAIN EMPLOYEES

The Clerk read as follows:

Title II—(H. R. 4147. To provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Holst & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn.)

That the Secretary of War is authorized and directed to pay and discharge the claims of certain employees (or their legal representatives of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Holst & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn., for additional compensation for work performed as employees of such companies in the execution of contracts made by such companies and the United States and for the manufacture of war materials for the use of the War Department or the military forces of the United States. Such payment shall be based upon the principles laid down in the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, and shall be in accordance with the interpretations and the classifications and adjustments made under the direction of the Board in pursuance of such award. In the case of any employees with respect to whom classifications and adjustments have not been made in pursuance of such award and interpretations thereof the Secretary of War shall make the classifications and adjustments necessary for the payment and discharge of claims under this act.

Sec. 2. That no payment under this act shall be made after the expiration of 2 years from its passage unless prior to the expiration of such time a claim therefor is presented to the Secretary of War in such manner as he shall by regulations prescribe.

Sec. 3. That the provisions of the act shall not apply to any employees of such companies with respect to whom the award of the National War Labor Board was carried out, nor shall this act be construed to prejudice any claims which the employers receiving the benefits thereof may have in respect to contracts

made by the companies and the United States for the manufacture of materials for the use of any department or service of the Government other than the War Department or the military forces of the United States.

SEC. 4. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sum not in excess of \$1,200,000, as may be necessary to carry out the provisions of section 1 of the act.

SEC. 5. That no claim under the provisions of this act shall be settled, adjusted, or reviewed under section 236 of the Revised Statutes, as amended, nor shall jurisdiction of any such claim be had except as provided in this act.

Mr. COCHRAN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. COCHRAN: Mr. COCHRAN moves to strike out title II.

Mr. COCHRAN. Mr. Speaker, this is not a bill to go to the Court of Claims. This is a bill to pay \$1,200,000 out of the Treasury—taxpayers' money. It is an old war claim. What I read is not my report, but this is a report of the Comptroller General of the United States, who, under the Budget Act, is a representative of the Congress of the United States and not a representative of the executive branch of the Government:

This bill proposes to pay additional compensation to employees of certain private concerns for work performed in the manufacture of war materials furnished the War Department under contracts during the late World War.

The bill does not cover employees engaged upon work under Navy Department contracts. Does the Congress wish to discriminate between employees engaged upon work under contracts with different departments of the Government?

The War Department did not request and, in fact, was not consulted in connection with the award made by the National War Labor Board in these cases—as was done in the Bethlehem Steel Co. matter; act of March 4, 1925 (43 Stat. 1603), as amended—and what legal or other obligation rests upon the Congress now to authorize expenditures approximating \$1,200,000 as gratuities to these employees of private concerns? Would not this be establishing a precedent which will induce the advancement of other similar claims?

The Comptroller also calls attention to the fact that under the provisions of the bill section 5 proposes to establish a dangerous precedent, whereby the paying agency would pass upon the propriety and legality of its own disbursements with no check or review by any other agency of the Government.

Mr. Speaker, I leave the matter to the House whether it wants to take \$1,200,000 out of the Treasury at the expense of the taxpayers. I might also add many of the claimants are dead.

Mr. CHRISTIANSON. Mr. Speaker, I rise in opposition to the amendment. In the first place, I call attention to the fact that this is not a bill to reimburse corporations, but one to reimburse their employees. This is a proposal to help the "little fellow." This body has had many opportunities to vote money out of the Public Treasury to pay the claims of rich corporations that were engaged in furnishing the Government with supplies during the war, but I dare say this is the first opportunity it has had to accord to workingmen the concessions that have been granted frequently heretofore to their employers. The corporations whose employees would be benefited by this bill are the Minneapolis Steel & Machinery Co., of Minneapolis; the American Hoist & Derrick Co., of St. Paul; and the Twin City Forge & Foundry Co., of Stillwater, Minn. These companies were all acting as contractors or subcontractors in furnishing the Government at its request with shells, gun-carriage parts, and other materials needed during the late war.

Comment has been made upon the fact that many years have elapsed since these claims accrued, and the inference is drawn that therefore they should not be paid. It is not the fault of the men who are to be the beneficiaries of this legislation that this debt is long overdue, for time and again they have come before Congress with bills for reimbursement. In every instance those bills were favorably reported by the committees to which they were referred, but because of the rules under which the House operated, it was impossible to get them to a vote. This is the first opportunity there has been to present the case to the House as such.

During the war there were numerous wage disputes, and the President created a National War Labor Board, headed by William Howard Taft, to adjust differences between war contractors and their employees.

The employees of the companies mentioned in the bill threatened to quit work, whereupon representatives of the Board went before them and assured them that, if they would stay on the job, the Government would pay them the wages paid in the same locality for similar work.

The men continued to work, the Board made its award, and the Secretary of War, Newton D. Baker, recommended that it be carried out. But before the Government's auditors had completed checking the claims there was a change of administration, a new Secretary of War took office, who overruled Secretary Baker on technical grounds.

Our contention is that the National War Labor Board was an agency of the Government, that it acted within the scope of its authority in entering into the said agreement, and that the Government therefore is legally and morally bound thereby.

In that connection, I want to say that Mr. Taft, after he became Chief Justice, voluntarily appeared before a House committee as a witness and declared that in his opinion the claim constituted an obligation of the Government which ought to be paid.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. CHRISTIANSON. Yes.

Mr. PITTENGER. Is it not a fact that the employees in other steel mills in other parts of the country were paid and these were left out?

Mr. CHRISTIANSON. It is a fact, among them being the employees of the great Bethlehem Steel Co. I submit that if the employees of the Bethlehem Steel Co. were entitled to reimbursement, those of these three small Minnesota companies should be given equal consideration.

Mr. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. CHRISTIANSON. Yes.

Mr. ANDRESEN. I might say to my colleague that this appropriation simply carries out an award of the War Labor Board, an agency set up by the Commander in Chief, the President, to settle disputes of this character. The Board, headed by the late Chief Justice Taft, made an award in this case similar to the award in the Bethlehem Steel case, and the men who received the award have since 1920 made every effort to collect by legislation, but have been unable to do so. The award was approved by the Secretary of War, Mr. Newton D. Baker, at the time it was up for original consideration. He said the men were entitled to it and the award should have been paid, but it was not paid because of complications which arose in the change in Secretaries.

The bill has been before Congress on several occasions. The War Claims Committee heard it, passed on the evidence submitted by the witness, and that committee unanimously reported the bill as meritorious and recommended that the claim should be paid by the United States Government. These laboring men were patriotic employees who were working in the defense of their country. They were promised the same scale of wages as other workers were paid. The bill should be approved so that the obligation of the Government may be discharged.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. CHRISTIANSON. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. On the previous section of this bill the Chair put a unanimous-consent request for an extension of time. The attention of the Chair has since been called to a ruling by the author of the present Private Calendar rule, who was presiding at the last session on this calendar. This rule was proposed for the purpose of expediting business. Upon reflection, the Chair does not think he should recognize Members for the purpose of requesting an extension of time.

The question is on the amendment offered by the gentleman from Missouri.

The amendment was rejected.

ST. LUDGERS CATHOLIC CHURCH OF GERMANTOWN, MO.

The Clerk read as follows:

Title III—(H. R. 3797. For the relief of St. Ludgers Catholic Church of Germantown, Henry County, Mo.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to St. Ludgers Catholic Church at Germantown, county of Henry, and State of Missouri, the sum of \$3,000 in full compensation for the use and occupation of and incidental damage to St. Ludgers Catholic Church at Germantown by the United States Army during the Civil War.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Mr. COCHRAN moves to strike out title III.

Mr. COCHRAN. Mr. Speaker, I am simply trying to be fair in this matter. This bill was introduced by my close personal friend and colleague from Missouri, Mr. WOOD. This bill has been before Congress for many, many years. It so happens that one night some 7 or 8 years ago when our distinguished colleague, Judge Dickinson, was unable to be present, I personally made a speech in behalf of this bill. The bill passed the House, but it failed to pass the Senate. I thought it was a meritorious bill then and I think so now. But, Mr. Speaker, this bill has passed the House and has passed the Senate and has been placed upon the desk of the President of the United States, Mr. Roosevelt, and he vetoed the bill. Why should we put it back in his lap?

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. SHORT. I should like to ask my colleague from Missouri or some member of the War Claims Committee just what the policy of that committee is on different claims arising out of the Civil War. In the Seventy-first Congress that committee established the rule that they would no longer report out any bill for a claim growing out of the Civil War; that is, we would not go back prior to the Spanish-American War.

Mr. BEITER. The committee has the same rule. However, with respect to this particular bill that has been vetoed by the President, it is my understanding that the President was not apprised of all the facts in the case, and if the bill were again presented to him he would sign the bill.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. HANCOCK of New York) there were ayes 56 and noes 43. So the amendment was agreed to.

VELIE MOTORS CORPORATION

The Clerk read as follows:

Title IV—(H. R. 2706. To confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Velie Motors Corporation)

That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment, notwithstanding the lapse of time, or any statute of limitations, or any limitation upon the jurisdiction of such court with respect to claims upon any contract implied in law, upon the claim of the Velie Motors Corporation for reimbursement for net losses sustained by such corporation on account of the additional requirements imposed by the Government with respect to the crating of gun carts manufactured pursuant to a certain war contract (no. CMG-74, dated Oct. 25, 1917) with the Ordnance Department, United States Army, which requirements were not contemplated by such contract.

Sec. 2. Such claim shall be instituted by or on behalf of the Velie Motors Corporation within 1 year after the date of the enactment of this act. Proceedings in any suit before the Court of Claims under this act, and review thereof, and payment of any judgment therein, shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Mr. COCHRAN moves to strike out title IV.

Mr. COCHRAN. Mr. Speaker, this is a bill to send a case to the Court of Claims. It is a case growing out of the war. It is just one of the many cases that have been reported. There are involved \$37,000. The company had

the right to go into court. It did not avail itself of the opportunity. Now, 17 years afterward, some lawyer comes here and wants us to pass a bill to go to the Court of Claims, waiving the statute of limitations. The question is, Are you going to waive the statute of limitations that Congress has provided? They have had a fair opportunity and did not accept it. It is not an ignorant organization. It is a great motor carrying company. Decide for yourselves whether you are going to ask your Government to protect itself in a suit 18 years after the alleged loss.

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. COSTELLO. Is it not a fact that the contract with the Velie Motor Co. required that they should crate these gun carts for shipment, and that the crates in which the gun carts were placed were not sufficient to warrant their being shipped across the ocean, and, as a result, the War Department demanded that they should build stronger crates, and that this bill would provide \$4.23 per gun cart to pay for that additional cost of a stronger crate? As a matter of fact, it was required by their contract that they should be adequately crated for export shipment. Therefore there is not any merit to this claim of the Velie Motor Corporation.

Mr. COCHRAN. There is absolutely no merit to the claim. Their contract provided that they should be shipped in proper crates. The War Department held them to their contract. I repeat there is absolutely no merit to the claim.

Mr. THOMPSON. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, this bill has passed the Senate of the United States twice and has been reported by various House Committees on War Claims, on four different occasions. The provisions of the bill require that this corporation be given its day in court before the Court of Claims. If the House should pass this bill this afternoon, the Velie Motors Corporation is not going to get its money tomorrow or the next day. It must make out and prove its case before the Court of Claims.

Replying to the gentleman from California with reference to the crating of these gun carts, of which there were approximately 9,000, the contract with the Velie Motors Corporation provided that these carts would be shipped to points within the United States. A gun cart is on the order of an ordinary wagon. We know that ordinary wagons are not crated for shipment within the United States; they are put in box cars and blocked the same as automobiles are shipped. In the Velie case the Ordnance Department later found that these gun carts were needed overseas and directed the contractor to crate them for overseas shipment; and the claim is based upon this company's being reimbursed the actual cost of the extra crating for overseas shipment.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. I yield.

Mr. PITTENGER. All this bill does is to give this company its day in court. Is that correct?

Mr. THOMPSON. Absolutely.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. I yield.

Mr. HOPE. It not only gives the company its day in court but it compels the United States Government to waive certain defenses which it otherwise would have to the claim, does it not?

Mr. THOMPSON. Not as I understand it.

Mr. HOPE. The bill not only asks the United States Government to waive the statute of limitations but it requires the Government to waive any defense it might have as to the jurisdiction of the court to consider the case of an implied contract, practically the basis of the claim in this case.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. Yes.

Mr. PITTENGER. This involves the additional expense of crating those gun carts for overseas shipment under the direction of the Secretary of War.

Mr. THOMPSON. Under the direction of the Ordnance Department as represented by the ordnance inspectors.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?
Mr. THOMPSON. Yes.

Mr. McCORMACK. And it is the customary thing where the statute of limitations has intervened that it should be waived in order for such a bill to accomplish its objective.

Mr. THOMPSON. That is the only object in passing the bill.

Replying to the gentleman from Missouri [Mr. COCHRAN], who stated that this company had its day in court, unfortunately the head of this corporation became involved in financial difficulties about the time it was getting ready to present this claim to the United States Court of Claims and those who were in control of this company for a period of 5 or 6 years allowed the statute of limitations to run against the claim and neglected to follow the matter through. After Mr. Velie again became active in the management of his company the statute of limitations had run against the claim; thus, this relief is sought.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. I yield.

Mr. COCHRAN. If the case were against the gentleman, would he waive the statute of limitations and permit them to sue him?

Mr. THOMPSON. I believe I would if it were a just claim. [Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. HOPE) there were—ayes 44, noes 30.

So the amendment was agreed to.

A. C. MESSLER CO.

The Clerk read as follows:

Title V—(H. R. 3101. To confer jurisdiction on the Court of Claims to hear and determine the claim of A. C. Messler Co.)

That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear and determine the claim of the A. C. Messler Co., of Providence, R. I., notwithstanding lapse of time or any statute of limitations, and to award said company compensation for additional material furnished the Government under contract dated April 17, 1918, for the manufacture and delivery of cartridge clips.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Mr. COCHRAN moves to strike out title V.

Mr. COCHRAN. Mr. Speaker, as the gentleman from Minnesota [Mr. PITTEMBERG] says, and to save him the trouble of repeating it, all this bill does is to send the case to the Court of Claims.

However, Mr. Speaker, this company had its day in court with the Board set up by this Congress under the Dent Act. Mr. Dent, if you please, was chairman of the Military Affairs Committee of this House, and the Congress passed a bill known as the Dent Act, under which every person and corporation who had a claim against this Government growing out of the World War had an opportunity to be heard. This company, just like the other companies, had its day in court and was denied recognition by the Department.

The fact that the Department paid hundreds of millions of dollars to contractors and was criticized for it is evidence in itself that the Board was fair.

It is unjust to ask the Government 18 years after the contract to defend itself in court when we do not know whether the witnesses can be found or whether the evidence is available.

I have nothing further to say about the bill.

Mr. CAVICCHIA. Mr. Speaker, I wish to be heard in opposition to the amendment.

Mr. Speaker, I was a member of the subcommittee which considered the bill in the Seventy-second, the Seventy-third, and the Seventy-fourth Congresses. The gentleman from Missouri is wrong when he says that the Dent Board turned down this bill. As a matter of fact the Dent Board was unanimous for the payment of this bill to the amount of \$16,000, but the Comptroller General refused to pay the warrant because he said it was an illegal payment. In the meantime the statute of limitations ran against the claim.

Subsequently the Senate passed a bill ordering that the Messlers be paid \$12,000. The House of Representatives, through its committee, compromised and recommended the payment of \$10,000.

For years Mr. Messler, an old gentleman from Providence, R. I., has haunted the galleries of this House hoping that in his old age he might be able to collect from Uncle Sam what he considers is a just claim.

Mr. Speaker, this bill does not call for the payment of any money but simply gives Messler the right to go to the Court of Claims to establish his claim. I would hate to have to do business with the United States Government and have my claim passed upon the way some of these bills are being passed upon by the Members of this House. Members of subcommittees spend days and days listening to testimony. The full committee listens to the reports of witnesses and members of the subcommittee. They unanimously agree to recommend that a bill pass, so that someone might be put in a position to justify his claim before the Court of Claims. Then a Member gets up here and says "no", and the claimant is thrown out. If that is the way to legislate, I disagree with you gentlemen who will answer "yes" to the question.

Mr. Speaker, this claim was originally handled by Mr. Condon, formerly a Member of this House from Rhode Island, who resigned to become a member of the supreme court of his State. This is a meritorious claim. The Government supplied material which only enabled the manufacture of 1,000 clips out of every 19 pounds of material, whereas the United States officers thought that Mr. Messler could and should have obtained 1,000 clips out of every 17 pounds of material. The metal was heavier than the Government representatives thought it was, and when the material ran out this man Messler had to go out in the open market and buy enough to make up the necessary number of clips to supply the number called for by his contract, because the contract contained a penalty clause. If Messler had not supplied so many thousand clips by a certain day he would have been subject to a fine. The Army representatives supervising the work in his factory told him to go out and buy the material.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 32, noes 48.

So the amendment was rejected.

Mr. TAYLOR of South Carolina. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. The Chair will count.

Mr. TAYLOR of South Carolina. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The question is on the engrossment and third reading of the bill H. R. 8236.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken.

Mr. COCHRAN. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 137, noes 168, not voting 125, as follows:

[Roll No. 37]
YEAS—137

Amlie	Biermann	Burdick	Cross, Tex.
Andresen	Binderup	Cavicchia	Crowe
Andrew, Mass.	Bland	Chandler	Cullen
Arends	Bloom	Chapman	Curley
Bacharach	Boehne	Christianson	Daly
Bankhead	Bolieu	Coffey	Darden
Barry	Brown, Ga.	Connery	Deen
Beiter	Brown, Mich.	Cravens	Delaney
Bell	Buckler, Minn.	Creal	Driver

Duffy, N. Y.	Houston	Martin, Mass.	Schneider, Wis.
Dunn, Pa.	Hull	Mason	Seger
Eagle	Jacobsen	Maverick	Shannon
Eaton	Jenckes, Ind.	May	Sullivan
Fenerty	Johnson, Tex.	Mead	Summers, Tex.
Focht	Kahn	Merritt, N. Y.	Tarver
Frey	Kennedy, Md.	Monaghan	Thom
Fulmer	Kennedy, N. Y.	Nichols	Thomason
Gambrill	Kenney	O'Connell	Thompson
Gasque	Knutson	O'Day	Tolan
Gassaway	Kopplemann	O'Leary	Turpin
Gehrmann	Kramer	Parks	Utterback
Gifford	Kvale	Patton	Wadsworth
Gildea	Lanham	Pfeifer	Walter
Gillette	Lea, Calif.	Pittenger	Weaver
Gingery	Lemke	Powers	Welch
Goldsborough	Lord	Ramspeck	West
Greenwood	Lundeen	Randolph	Whichel
Guyer	McClellan	Reed, N. Y.	Willcox
Gwynne	McCormack	Reilly	Williams
Halleck	McMillan	Risk	Wilson, La.
Hart	McReynolds	Robinson, Utah	Withrow
Harter	McSwain	Rogers, N. H.	Wolverton
Higgins, Conn.	Maas	Ryan	
Hildebrandt	Mansfield	Sanders, Tex.	
Hook	Marcantonio	Sauthoff	

NAYS—163

Allen	Dunn, Miss.	Lesinski	Robertson
Ashbrook	Eckert	Lewis, Colo.	Rogers, Mass.
Bacon	Edmiston	Lucas	Rogers, Okla.
Beam	Elcher	Luckey	Russell
Blackney	Engel	Ludlow	Schuetz
Blanton	Englebright	McAndrews	Scott
Brewster	Ferguson	McFarlane	Scrugham
Caldwell	Fiesinger	McGehee	Sears
Cannon, Mo.	Fish	McGrath	Secrest
Carlson	Flannagan	McGroarty	Shanley
Carmichael	Fletcher	McKeough	Smith, Va.
Carpenter	Ford, Calif.	McLaughlin	Smith, Wash.
Carter	Ford, Miss.	Mahon	Smith, W. Va.
Cartwright	Gavagan	Main	Snell
Castellow	Gearhart	Mapes	Snyder, Pa.
Celler	Gilchrist	Massingale	South
Church	Goodwin	Michener	Spence
Citron	Granfield	Millard	Stack
Cochran	Gray, Pa.	Miller	Starnes
Colden	Greever	Mitchell, Ill.	Stefan
Cole, Md.	Grissold	Mitchell, Tenn.	Stubbs
Cole, N. Y.	Hamlin	Moran	Sutphin
Collins	Hancock, N. Y.	Mott	Taber
Colmer	Healey	Nelson	Taylor, Colo.
Cooper, Tenn.	Hess	O'Brien	Taylor, S. C.
Costello	Hoffman	O'Malley	Thurston
Cox	Hollister	Palmisano	Tinkham
Crawford	Holmes	Parsons	Tobey
Crosby	Hope	Patman	Treadway
Crosser, Ohio	Huddleston	Patterson	Urmstead
Crowther	Imhoff	Peterson, Ga.	Vinson, Ga.
Darrow	Johnson, Okla.	Pierce	Wallgren
Dickstein	Johnson, W. Va.	Polk	Wearin
Dies	Jones	Quinn	Werner
Dietrich	Keller	Rabaut	Whittington
Dockweiler	Kinzer	Ramsay	Wigglesworth
Dondero	Kloeb	Rankin	Wolcott
Dorsey	Kniffin	Rayburn	Wolfenden
Doughton	Kocialkowski	Reed, Ill.	Woodruff
Doxey	Lambertson	Rich	Woodrum
Drewry	Lambeth	Richards	Young
Driscoll	Lamneck	Richardson	Zimmerman

NOT VOTING—125

Adair	Dingell	Kee	Robison, Ky.
Andrews, N. Y.	Dirksen	Kelly	Romjue
Ayers	Disney	Kerr	Rudd
Barden	Ditter	Kleberg	Sabath
Berlin	Dobbins	Larrabee	Sadowski
Boland	Doutrich	Lee, Okla.	Sanders, La.
Bolton	Duffey, Ohio	Lehibach	Sandlin
Boykin	Duncan	Lewis, Md.	Schaefer
Boylan	Ekwall	McLean	Schulte
Brennan	Ellenbogen	McLeod	Short
Brooks	Evans	Maloney	Sirovich
Buchanan	Faddis	Marshall	Sisson
Buck	Farley	Martin, Colo.	Smith, Conn.
Buckbee	Fernandez	Meeks	Somers, N. Y.
Buckley, N. Y.	Fitzpatrick	Merritt, Conn.	Steagall
Bulwinkle	Fuller	Montague	Stewart
Burch	Gray, Ind.	Montet	Sweeney
Burnham	Green	Moritz	Taylor, Tenn.
Cannon, Wis.	Greenway	Murdock	Terry
Cary	Gregory	Norton	Thomas
Casey	Haines	O'Connor	Tonry
Clalborne	Hancock, N. C.	Oliver	Turner
Clark, Idaho	Harlan	O'Neal	Underwood
Clark, N. C.	Hartley	Owen	Vinson, Ky.
Cooley	Hennings	Pearson	Warren
Cooper, Ohio	Higgins, Mass.	Perkins	White
Corning	Hill, Ala.	Peterson, Fla.	Wilson, Pa.
Culkin	Hill, Knute	Pettengill	Wood
Cummings	Hill, Samuel B.	Peyser	Zloncheck
Dear	Hobbs	Plumley	
Dempsey	Hoeppel	Ransley	
DeRouen	Jenkins, Ohio	Reece	

So the bill was rejected.

The Clerk announced the following pairs:
On this vote:

Mr. Harlan (for) with Mr. Jenkins of Ohio (against).

General pairs:

Mr. Boland with Mr. Robsion of Kentucky.
Mr. O'Connor with Mr. Wilson of Pennsylvania.
Mr. Burch with Mr. Lehibach.
Mr. Hancock of North Carolina with Mr. Bolton.
Mr. Steagall with Mr. Hartley.
Mr. Corning with Mr. McLean.
Mr. Warren with Mr. Short.
Mr. Montague with Mr. Marshall.
Mr. Kerr with Mr. Ditter.
Mr. Clark of North Carolina with Mr. Andrews of New York.
Mr. Samuel B. Hill with Mr. Ekwall.
Mr. Fuller with Mr. Cooper of Ohio.
Mr. Bulwinkle with Mr. Plumley.
Mr. Boylan with Mr. Taylor of Tennessee.
Mr. Dingell with Mr. McLeod.
Mr. Fernandez with Mr. Culkin.
Mr. Buchanan with Mr. Doutrich.
Mr. Fitzpatrick with Mr. Merritt of Connecticut.
Mr. Maloney with Mr. Buckbee.
Mr. Cary with Mr. Perkins.
Mr. Vinson of Kentucky with Mr. Ransley.
Mr. Dear with Mr. Burnham.
Mr. Schulte with Mr. Dirksen.
Mr. Sabath with Mr. Reece.
Mr. Cooley with Mr. Stewart.
Mr. Oliver with Mr. Thomas.
Mr. Montet with Mr. Tonry.
Mr. Somers of New York with Mr. Duncan.
Mr. Kee with Mr. Buckley of New York.
Mr. Buck with Mr. Adair.
Mr. Pearson with Mr. Owen.
Mr. Hennings with Mr. Sandlin.
Mr. Dempsey with Mr. Larrabee.
Mr. Cummings with Mr. Sisson.
Mr. Rudd with Mr. Clalborne.
Mr. Brooks with Mr. O'Neil.
Mr. Gregory with Mr. Terry.
Mr. DeRouen with Mr. Sadowski.
Mr. Green with Mr. Brennan.
Mr. Sweeney with Mr. Dobbins.
Mrs. Norton with Mr. White.
Mr. Faddis with Mr. Meeks.
Mr. Lewis of Maryland with Mr. Schaeffer.
Mr. Pettengill with Mr. Ayres.
Mr. Peterson of Florida with Mr. Gray of Indiana.
Mr. Smith of Connecticut with Mr. Barden.
Mr. Kelly with Mr. Disney.
Mr. Murdock with Mr. Evans.
Mr. Wood with Mr. Sirovich.
Mr. Kleberg with Mr. Clark of Idaho.
Mr. Peyser with Mr. Berlin.
Mr. Casey with Mr. Hobbs.
Mr. Higgins of Massachusetts with Mr. Duffey of Ohio.
Mr. Ellenbogen with Mr. Turner.
Mr. Martin of Colorado with Mr. Farley.
Mr. Zloncheck with Mr. Lee of Oklahoma.
Mr. Hill of Alabama with Mr. Sanders of Louisiana.
Mr. Haines with Mrs. Greenway.
Mr. Romjue with Mr. Knute Hill.

Mr. CURLEY and Mr. CULLEN changed their vote from "nay" to "yea."

Mr. TINKHAM changed his vote from "yea" to "nay."

Mr. THOMASON. Mr. Speaker, I wish to announce that the gentleman from Alabama, Mr. HILL; the gentleman from Illinois, Mr. SCHAEFER; the gentleman from Vermont, Mr. PLUMLEY; the gentleman from Missouri, Mr. SHORT; and the gentleman from California, Mr. BUCK, are attending a meeting of a Subcommittee on Military Affairs and for this reason are not here to answer to their names.

The doors were opened.

The result of the vote was announced as above recorded.

On motion of Mr. COCHRAN, a motion to reconsider was laid on the table.

The SPEAKER. The Clerk will call the next omnibus bill on the Private Calendar.

The Clerk called the next bill, H. R. 8524, for the relief of sundry claimants, and for other purposes.

WILLIAM J. COCKE

The Clerk read as follows:

Be it enacted, etc.—

Title I—(S. 941. An act for the relief of William J. Cocke)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William J. Cocke, of North Carolina, the sum of \$9,116.88 in full settlement of all claims against the Government, for losses growing out of contracts with the War Department, one dated July 1, 1918, for the purchase of garbage from Camp Green, situate at or near the city of Charlotte, N. C.; and the other dated September 3, 1918, for Camp Wadsworth,

situate at or near the city of Spartanburg, S. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. COCHRAN. Mr. Speaker, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Strike out title I.

Mr. COCHRAN. Mr. Speaker, this is another omnibus bill from the War Claims Committee. Therefore all bills contained in this omnibus measure are old war claims, but this is the outstanding one of them all.

A man made a contract with the Government to take the garbage from a cantonment in North Carolina, and he bought himself a lot of little pigs to feed the garbage to. He claims some of this garbage was diverted and stolen. [Laughter.] Of course, it was diverted. It was diverted to the inner man of the soldiers. They did not believe in leaving anything on their plates to feed to pigs. So after the war was over he comes along and wants the Government to pay him \$33,000 because he did not get enough garbage to feed the pigs he had purchased. [Laughter.]

Mr. BEITER. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. Not now.

The War Department heard the case. This man had the right to go to the Court of Claims, if he desired. The Dent Act was in effect, which enabled him to be heard by that board.

In conclusion, I may say the board held that the War Department never promised the contractor to give him enough garbage to feed all the little pigs he might buy. So now he comes to the Congress, and the gentlemen on the War Claims Committee are very generous, but they are not generous enough to give him \$33,000, and say, "All we are going to give you is \$9,000." So they report the bill favorably, not to send the matter to the Court of Claims, not to have it reviewed by the Comptroller General, but to go into the Treasury of the United States and take out \$9,000, at a time when we are trying to find money to pay some of the bills we have already passed. There is no Court of Claims involved in this measure. This is a direct payment out of the Treasury.

Mr. HANCOCK of New York. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from New York.

Mr. HANCOCK of New York. I simply want to call the gentleman's attention to the fact that this case did go to the Court of Claims and the Court of Claims dismissed it.

Mr. COCHRAN. I thank the gentleman for his contribution. The claim did go to the Court of Claims, according to the gentleman from New York, who is seldom wrong, and I know he is right now, because he has the papers before him, and therefore you are asked to appropriate \$9,000 out of the Treasury.

Mr. RICH and Mr. BLANTON rose.

Mr. COCHRAN. I yield to the gentleman from Pennsylvania [Mr. RICH], who was on his feet first.

Mr. RICH. Would it not have been a good thing if we had had a Secretary of Agriculture at that time like the one we have now to kill the little pigs?

Mr. COCHRAN. I yield to the gentleman from Texas.

Mr. BLANTON. At one time the committee reported this bill for the full amount of \$33,000. The gentleman, I am sure, will recall that.

Mr. BEITER rose.

Mr. COCHRAN. I will let the gentleman from the committee make his statement in his own time and I yield back the balance of my time, Mr. Speaker.

Mr. BLANTON. Mr. Speaker, I move to strike out the enacting clause.

Mr. BIERMANN. Mr. Speaker, I make a point of order against that. I do not believe that motion is allowed under the rule.

Mr. BLANTON. There is no change in the rules of the House in that respect.

Mr. BEITER. Under the rules only two amendments are allowed to be offered.

The SPEAKER. The motion to strike out the enacting clause is not an amendment in the sense contemplated by the rule. The Chair is of the opinion that the motion is in order and the gentleman from Texas is recognized for 5 minutes.

Mr. BLANTON. Mr. Speaker, unless we do like Joe Walsh once said and unhang the Treasury door from its hinges, and let everybody put their long, hairy arms into the Treasury and take out whatever they want, you are going to have to repeal this O'Connor rule that allows bills to come in here in omnibus fashion.

When the new rule was brought up here I called your attention to what it would do, and that under it, it would be impossible to defeat bad bills. I called your attention to the fact it would not work. I called your attention to the fact that the gentleman from New York [Mr. O'CONNOR], himself, then had a bill here involving \$990,000 that could come in under an omnibus act, and if passed would set a precedent that could cost the Government at least \$1,000,000,000.

Well, the rule was passed. The O'Connor bill that had been stopped time and again here in the House was brought up in an omnibus bill and passed. It went to the Senate, which passed it, and was sent to the White House and the President had to veto it.

Mr. PITTINGER. Mr. Speaker, I make the point of order the gentleman is not addressing his remarks to the bill before the House. The gentleman is talking about other matters of ancient history and is not proceeding in order.

The SPEAKER. The gentleman from Texas will proceed in order.

Mr. BLANTON. Certainly, I am proceeding in order. I am talking about this omnibus bill that ought to have its enacting clause stricken out. This is just one of them. There are several of them involved, and this measure is just as pernicious as was the O'Connor bill. Why, this bill has been defeated on this floor time and time again. This garbage bill ought not to pass. It is an unjust claim. The Court of Claims has passed upon it and has turned it down.

I have seen bills come up here involving \$1,000,000 that lawyers would fight over in a Federal court for 3 weeks, introducing evidence under the rules of the court and in accordance with law and fighting across the table to see whether or not the claim ought to be paid.

We bring it here in an omnibus bill with 5 minutes' debate on each side—bills taking the people's tax money out of the Treasury, some of it without legal process of law.

We ought to stop that. We ought to be sensible about it. I represent almost 300,000 people, and so do you—every one of you. These people are depending on us; they put their business in our hands and depend on us to represent them. We are not doing right by them when we bring in these matters in an omnibus bill. We should bring them in in separate bills and consider them on their merits. If they have merit, we should pass them. Let every bill stand on its own bottom.

I remember under the old method we passed bill after bill and did not scramble them all up together. Let us unscramble these bills and repeal this rule.

Let me tell you one thing, and that is that if I come back here next year, and before you pass the rules of this House, I am going to make a fight on the floor of this House to keep this omnibus rule from ever going into the rules again.

I leave it to the old Members if it was not a sensible way to pass these bills under the old rule.

I have seen the time when in one night session we passed 75 good bills right along, one after another, because they were good bills.

Mr. BIERMANN. Mr. Speaker, a parliamentary inquiry. Under the rule we are working under I find these words:

Omnibus bills shall be read for amendment by paragraph, and no amendment shall be in order except to strike out or to reduce amounts of money or to provide limitation.

My inquiry is whether or not it is going to be in order for me to move to strike out the last word?

The SPEAKER. It will not.

Mr. BIERMANN. Is the gentleman from Texas out of order?

The SPEAKER. He is not. The gentleman from Texas moved to strike out the enacting clause. He did not offer an amendment.

Mr. BIERMANN. Mr. Speaker, I rise in opposition to the motion. I appreciate the fact that it is difficult to have rules under which we can consider these private bills efficiently, but I do not believe that the rules under which we are operating now deserve the kind of criticism they have been having from the gentleman from Texas [Mr. BLANTON]. I call attention to the fact that in considering one of these omnibus bills the Clerk reads a title, which is a private bill that has been ruled out by objection. The House then passes upon that title, which is the private bill referred to. The House votes it up or down. It has had its day in court; it has had its trial; and if it be agreed to in this House, the House then in effect passes that private bill for the time being. But after some titles or bills have survived the gamut of debate, they are bunched in a group—the last bill had only three left after debate—and the bills then are voted either up or down as a group. I do not think there is any style of bill which comes before this House which is so adequately tried as these private bills resolved into omnibus bills.

It amazes me to have the gentleman from Texas again and again assert his devotion to economy in the Government. He voted for \$2,237,000,000 additional for a soldiers' bonus that is not due. About 2 or 3 weeks ago he voted for a \$545,000,000 Army appropriation, and next week, I have no doubt, he will vote for a \$550,000,000 Navy appropriation bill. That makes a total of pretty close to \$3,300,000,000 saddled upon the backs of the American taxpayers with his help the past 2½ months. I venture to say that when we try to get a roll call on the Navy appropriation bill the gentleman from Texas will not ask for that roll call.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BIERMANN. I will not yield. I will follow the practice of the gentleman from Texas.

Mr. BLANTON. If the gentleman will yield, I never straddled a vote.

Mr. BIERMANN. And while I am on my feet I call attention of the House to the fact that there is no one else who brags so much about his knowledge of the rules of the House and who violates the rules so persistently as does the distinguished gentleman from Texas.

Mr. BLANTON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. It is against the rules of the House for a Member in speaking to refer to another Member in a personal way and then not yield to him. It has always been customary in the House for the gentleman who refers to another to yield, and when I mention a gentleman's name I always yield to him.

The SPEAKER. Under the rules a gentleman is not permitted to indulge in personality. So far as one Member yielding to another, that is, of course, within the province of the Member who has the floor.

In further answer to the gentleman from Iowa [Mr. BIERMANN], with reference to the motion to strike out the enacting clause, the Chair reads to the House a portion of paragraph 7 of rule XXIII:

A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

The Chair thinks it clearly in order on these bills to move to strike out the enacting clause.

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Mr. SUMNERS of Texas. Mr. Speaker, I rise to submit a question to the Chair as to whether or not all time on this motion has been exhausted.

The SPEAKER. All time has been exhausted on the motion. The question is on the motion of the gentleman from Texas to strike out the enacting clause.

The question was taken, and the Chair announced himself in doubt.

The House divided; and there were—ayes 64, noes 63.

Mr. BIERMANN. Mr. Speaker, I object to the vote on the ground that there is no quorum present and make the point of order that there is no quorum.

The SPEAKER. The gentleman from Iowa makes the point of order that there is no quorum present and objects to the vote upon that ground. The Chair will count. [After counting.] One hundred and sixty-nine Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from Texas to strike out the enacting clause.

The question was taken; and there were—ayes 116, noes 181, not voting 133, as follows:

[Roll No. 38]

YEAS—116

Allen	Doxey	Kopplemann	Peterson, Ga.
Andrew, Mass.	Dunn, Miss.	Lamneck	Pettengill
Arends	Eckert	Lewis, Colo.	Pierce
Ashbrook	Edmiston	Luckey	Polk
Bacon	Engel	Ludlow	Randolph
Beam	Fenerty	McAndrews	Rankin
Bell	Fiesinger	McClellan	Rich
Blackney	Fletcher	McFarlane	Rogers, N. H.
Blanton	Ford, Miss.	McKeough	Rogers, Okla.
Buchanan	Fuller	McLaughlin	Sanders, Tex.
Cannon, Mo.	Gilchrist	Maas	Schuetz
Carlson	Gingery	Main	Secrest
Carpenter	Goodwin	Mapes	Shanley
Carter	Griswold	Martin, Mass.	Smith, W. Va.
Castellow	Hancock, N. Y.	Mason	South
Citron	Hartley	Massingale	Starnes
Cochran	Hess	May	Sutphin
Colden	Higgins, Conn.	Michener	Taber
Collins	Hollister	Millard	Taylor, Colo.
Colmer	Holmes	Miller	Taylor, S. C.
Cooper, Tenn.	Hope	Mitchell, Ill.	Terry
Costello	Huddleston	Mitchell, Tenn.	Thurston
Crawford	Johnson, Okla.	Murdock	Tinkham
Crowther	Johnson, Tex.	Nelson	Tobey
Darrow	Johnson, W. Va.	O'Brien	Treadway
Dietrich	Kinzer	O'Connell	Turner
Dirksen	Kloeb	O'Malley	Wallgren
Dondero	Kniffin	Patman	Whittington
Dorsey	Kocialkowski	Patterson	Wolfenden

NAYS—181

Amle	Deen	Hill, Knute	Palmisano
Andresen	Delaney	Hill, Samuel B.	Parks
Bacharach	Dies	Hoffman	Parsons
Bankhead	Disney	Hook	Patton
Barry	Drewry	Houston	Peterson, Fla.
Beiter	Driscoll	Hull	Pfeifer
Biermann	Driver	Imhoff	Pittenger
Binderup	Duffy, N. Y.	Jacobsen	Powers
Bland	Dunn, Pa.	Kahn	Rabaut
Bloom	Eagle	Kennedy, Md.	Ramsay
Boehne	Eaton	Kenney	Ramspeck
Bolleau	Eicher	Knutson	Rayburn
Brewster	Ekwall	Kramer	Reed, Ill.
Brown, Ga.	Englebright	Kvale	Reed, N. Y.
Brown, Mich.	Ferguson	Lambertson	Richardson
Buck	Fitzpatrick	Lambeth	Robertson
Buckler, Minn.	Flannagan	Lanham	Robinson, Utah
Burdick	Focht	Lea, Calif.	Rogers, Mass.
Burnham	Frey	Lemke	Russell
Cavicchia	Fulmer	Lesinski	Ryan
Celler	Gasque	Lord	Sabath
Chandler	Gavagan	Lucas	Sauthoff
Chapman	Gearhart	Lundeen	Schaefer
Christianson	Gehrmann	McCormack	Sears
Church	Gifford	McGehee	Seger
Clark, N. C.	Gildea	McGrath	Shannon
Coffee	Goldsborough	McMillan	Smith, Conn.
Cole, Md.	Granfield	McReynolds	Smith, Va.
Cole, N. Y.	Gray, Pa.	Mahon	Smith, Wash.
Connery	Greenway	Marcantonio	Spence
Cooper, Ohio	Greenwood	Maverick	Stack
Cox	Greever	Mead	Stefan
Cravens	Guyer	Merritt, N. Y.	Stewart
Creal	Gwynne	Monaghan	Stubbs
Crosby	Haines	Moran	Summers, Tex.
Crosser, Ohio	Halleck	Mott	Tarver
Crowe	Hart	O'Day	Thom
Cullen	Harter	O'Leary	Thomason
Curley	Healey	O'Neal	Thompson
Daly	Hildebrandt	Owen	Tolan

Turpin	Weaver	Wigglesworth	Woodrum
Umstead	Welch	Williams	Young
Utterback	Werner	Wilson, La.	Zimmerman
Wadsworth	West	Wolcott	
Walter	Whelchel	Wolverton	
Wearin	White	Woodruff	

NOT VOTING—133

Adair	Ditter	Kennedy, N. Y.	Robison, Ky.
Andrews, N. Y.	Dobbins	Kerr	Romjue
Ayers	Dockweiler	Kleberg	Rudd
Barden	Doughton	Larrabee	Sadowski
Berlin	Doutrich	Lee, Okla.	Sanders, La.
Boland	Duffey, Ohio	Lehlbach	Sandlin
Bolton	Duncan	Lewis, Md.	Schneider, Wis.
Boykin	Ellenbogen	McGroarty	Schulte
Boylan	Evans	McLean	Scott
Brennan	Faddis	McLeod	Scrugham
Brooks	Farley	McSwain	Short
Buckbee	Fernandez	Maloney	Sirovich
Buckley, N. Y.	Fish	Mansfield	Sisson
Bulwinkle	Ford, Calif.	Marshall	Snell
Burch	Gambrill	Martin, Colo.	Snyder, Pa.
Caldwell	Gassaway	Meeks	Somers, N. Y.
Cannon, Wis.	Gillette	Merritt, Conn.	Steagall
Carmichael	Gray, Ind.	Montague	Sullivan
Cartwright	Green	Montet	Sweeney
Cary	Gregory	Moritz	Taylor, Tenn.
Casey	Hamlin	Nichols	Thomas
Claborn	Hancock, N. C.	Norton	Tonry
Clark, Idaho	Harlin	O'Connor	Underwood
Cooley	Hennings	Oliver	Vinson, Ga.
Corning	Higgins, Mass.	Pearson	Vinson, Ky.
Cross, Tex.	Hill, Ala.	Perkins	Warren
Culkin	Hobbs	Peyser	Wilcox
Cummings	Hoeppel	Plumley	Wilson, Pa.
Darden	Jenckes, Ind.	Quinn	Withrow
Dear	Jenkins, Ohio.	Ransley	Wood
Dempsey	Jones	Reece	Zioncheck
DeRoven	Kee	Reilly	
Dickstein	Keller	Richards	
Dingell	Kelly	Risk	

So the motion was rejected.

The Clerk announced the following pair:

Mr. Jenkins of Ohio (for) with Mr. Harlan (against).)

Additional general pairs:

Mr. Doughton with Mr. Snell.
 Mr. Mansfield with Mr. Merritt of Connecticut.
 Mr. Jones with Mr. Risk.
 Mr. McSwain with Mr. Andrews of New York.
 Mr. Steagall with Mr. Reece.
 Mr. Kelly with Mr. Fish.
 Mr. Vinson of Georgia with Mr. Doutrich.
 Mr. Cartwright with Mr. Schneider of Wisconsin.
 Mr. Sullivan with Mr. Withrow.
 Mr. Schulte with Mr. Cross of Texas.
 Mr. Ayers with Mr. Lewis of Maryland.
 Mr. Wilcox with Mr. Evans.
 Mr. Scott with Mr. Gillette.
 Mr. Snyder of Pennsylvania with Mr. Cooley.
 Mr. Kennedy of New York with Mr. Brooks.
 Mr. Dickstein with Mr. Pearson.
 Mr. Richards with Mr. Gregory.
 Mr. Caldwell with Mr. Ford of California.
 Mr. Reilly with Mr. Nichols.
 Mr. Scrugham with Mr. Romjue.
 Mr. Quinn with Mr. Adair.
 Mrs. Norton with Mr. Darden.
 Mr. Gambrill with Mr. Hamlin.
 Mr. Keller with Mr. Gray of Indiana.
 Mr. Carmichael with Mr. Gassaway.
 Mrs. Jenckes of Indiana with Mr. Ellenbogen.
 Mr. Dockweiler with Mr. Dear.
 Mr. Barden with Mr. McGroarty.

Mr. PIERCE changed his vote from "no" to "aye."

Mr. BURDICK changed his vote from "aye" to "no."

Mr. YOUNG changed his vote from "aye" to "no."

Mr. THOMASON. Mr. Speaker, I wish to announce that the gentleman from Alabama, Mr. HILL; the gentleman from Vermont, Mr. PLUMLEY; the gentleman from Hawaii, Mr. KING; the gentleman from Missouri, Mr. SHORT, and the gentleman from Pennsylvania, Mr. FADDIS, are in attendance upon a subcommittee of the Committee on Military Affairs, and for that reason are not able to be present to answer to this roll call.

The result of the vote was announced as above recorded.

The doors were opened.

Mr. COCHRAN. Mr. Speaker, the question now recurs to my motion to strike out title I, does it not?

The SPEAKER. Yes. The Chair was about to announce that.

Mr. WEAVER. Mr. Speaker, I rise in opposition to the motion.

Mr. GIFFORD. Mr. Speaker, I rise in opposition to the Cochran amendment.

The SPEAKER. The gentleman from North Carolina [Mr. WEAVER] is recognized in opposition to the amendment.

Mr. WEAVER. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, it is with some trepidation that I undertake this afternoon to say a word in defense of this bill which has been so characterized by my friend from Missouri [Mr. COCHRAN] and my friend from Texas [Mr. BLANTON]. Certainly, if it has the characteristics ascribed to it by them, it has no place upon the floor of this House. Yet I find that this bill has twice passed the Senate of the United States. I find that it has been favorably passed upon by five or six different claims committees of the House.

Mr. BEITER. Mr. Speaker, will the gentleman yield?

Mr. WEAVER. I yield.

Mr. BEITER. In addition to that, the judge of the court of claims admitted the claimant has been mistreated and should be given some damages?

Mr. WEAVER. Yes. I wish to call that to the attention of this House.

Mr. Speaker, I think these bills should be dealt with on a fair basis. I realize that many of them are troublesome. This may be an old war claim, but it has been here for years because Members of this House had a right to object, and one or two men to absolutely control the situation.

Now, let us see what this claim is. If this bill is not right, I do not ask you to pass it. Not for one moment would I walk into this House before my colleagues and ask them to do something that I thought was unrighteous. During the war they had these various training camps over the United States. There was one at Spartanburg, S. C., and one at Charlotte, N. C. One of the problems was to remove the garbage from those camps, in a sanitary way, so as to do the utmost good. The War Department itself advertised for people to enter into these contracts. Upon the strength of those advertisements and the specifications contained in them, this claimant came in and entered into a contract to remove the garbage from those two camps. In the contract made with the War Department it was understood that this garbage was to be used to be fed to pigs or swine, and the garbage was to be loaded upon certain platforms provided by the commanders of the camps themselves. He entered into these contracts, and they required him to give a bond of \$11,000 in each case to see that he did remove it daily from these loading platforms. He put his pigs in there. He went to the expense of buying them. He went to the expense of buying trucks. He hired men and provided equipment, all of which was satisfactory to the commanding officer.

The gentleman from Missouri [Mr. COCHRAN] put in the CONGRESSIONAL RECORD, under date of February 17, a statement in regard to this bill, which is as unfair as the statements made upon the floor of the House today. I wish, therefore, in defense of the Senate of the United States, in defense of the one-half dozen reports made by different Claims Committee of the House, and in defense of myself, as an advocate of this bill, to state some facts that the House may know the basis upon which this appropriation is asked.

The gentleman from Missouri apparently did not read the opinion of the Court of Claims. He apparently did not know it had been before the Court of Claims. As a matter of fact, it has been, and I wish to confine myself to the facts as well as the law found by the Court of Claims itself.

In the decision rendered by this court, they found as a fact that this claimant entered into these contracts, for the removal of garbage at these two camps; that during the period covered by these contracts the average number of men at one of these camps was 11,000, and I think it is safe to assume that there was an equal number at the other camp. This would make 22,000 men, or a city of considerable size from which the claimant was to receive garbage of certain specifications.

He was required to give his bond in each case for \$11,000, conditioned that he should daily remove this garbage from

the loading platforms provided by the Government. It is well for the House to keep this in mind. He was never relieved from this obligation nor from the terms of these bonds. He purchased the necessary hogs. He provided the necessary equipment. He had a right to expect his Government to comply with its contract. As to whether these contracts were complied with was determined by the Court of Claims itself. In an opinion rendered in the case, among other things it finds as follows:

The complaint of the plaintiff centers exclusively around the fact that under the contracts he was to receive all the garbage of the specified classifications, to be delivered to him by the Government at certain transfer points fixed by the commanding officer of the camp, and this is precisely what the contract provided. Insofar as a nonobservance of this covenant is involved, the case is free from difficulty. It was not carried out. Large quantities of garbage which the plaintiff should have had were diverted, some of it stolen, and much of it sold to other parties. The plaintiff had established at approved points outside the camps, extensive pigsties, purchased a number of hogs, and was fully equipped to fatten the same upon the garbage he expected to receive. As a result of his inability to get the full quantity of garbage from the camp, the undertaking proved financially disastrous. Repeated complaints were made to the responsible officials, but all to no avail.

The War Department had held that because of the fact that the contract itself provided that the Government did not guarantee any specific number of pounds of garbage that, therefore, it was not obligated to deliver any. This position is so unreasonable that I believe it would not be necessary for me to argue this to any lawyer or to any layman of this House. The Government contracted to give him all of its garbage of certain classes, and the Court of Claims found it violated its contract.

Is it possible that American citizens cannot rely upon the covenants entered into with them by their Government, without resort to technical and ridiculous interpretations of contracts like this?

The court finds as a fact that these camps averaged around 11,000 soldiers each during the period of these contracts. According to the formula which the Government held out to persons to induce them to enter into these contracts, each soldier would produce a certain amount of garbage. This claimant had a right to expect the Government to live up to its agreement. The Court of Claims finds it did not live up to its agreement and that it resulted in financial disaster to this claimant.

Is Congress unwilling to accord to one of its citizens fair compensation for a violation of contracts of the Government? And yet this is what the gentleman from Texas and the gentleman from Missouri ask this House to do.

The case in the Court of Claims to which I have referred was brought for the purpose of recovering profits which the claimant might have received if the Government had complied with its contract. The decision of the Court of Claims in regard to profits was largely correct, as profits are always conjectural, and yet there are elements of damage which could have been easily ascertained. The opinion of the court states that the claimant was under no obligations to continue the performance of such contract and thus prolong and increase his loss, but it is only necessary to point out that at each camp he was held under a bond of \$11,000 to remove this garbage daily whenever placed upon the loading platform.

The Senate committee and the House committee have both found that due to this failure of the Federal Government to deliver this garbage which, as stated in the opinion of the Court of Claims, was diverted and sold to other parties, financial disaster resulted to the claimant. It was necessary to provide other methods of feeding the hogs which he had purchased to be fattened on the garbage contracted to be furnished by the Government. He had to keep up his necessary equipment, employ the necessary number of men, and to keep in readiness to perform his contract with the Government under the penalties of these bonds. Not having received the necessary garbage he had to go into the open market and purchase corn at exorbitant prices. The Senate committee and the House committee have had the whole

transcript of the case before them and have found that the amount of corn which it was necessary to purchase with which to feed these hogs, after deducting the contract price of the garbage which would have been necessary for the same purpose, was such that the claimant is entitled to the amount set out in this bill.

Notwithstanding the statement of the gentleman from Texas, no committee of the House or Senate has found damages more than this. The question here is, after the findings of the facts by the Court of Claims, whether or not this Congress will remedy a judicially ascertained breach of the Government's contract with this claimant.

The SPEAKER. The time of the gentleman from North Carolina [Mr. WEAVER] has expired. All time has expired.

The question is on the motion of the gentleman from Missouri [Mr. COCHRAN].

The question was taken; and on a division (demanded by Mr. COCHRAN) there were ayes 79 and noes 51.

So the amendment was agreed to.

SOUTHERN PRODUCTS CO.

The Clerk read as follows:

Title II—(S. 929. An act for the relief of the Southern Products Co.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Southern Products Co., Dallas, Tex., the sum of \$13,051.19 in full settlement of all claims against the Government, for the cost of removal and of the cost of reconditioning 9,097 bales of good, merchantable cotton, from its place of storage in the Bush Terminal Co. warehouse, Brooklyn, N. Y., the damage being caused to the cotton by climatic and other causes during its enforced removal and while it was exposed to the weather after removal from the Bush Terminal Warehouse, Brooklyn, N. Y., as result of the commandeering the entire storage warehouse on January 3, 1918, by the Secretary of War: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Strike out title II.

Mr. COCHRAN. Mr. Speaker, I am going along very fast. This case was heard by the Court of Claims and a decision rendered on March 8, 1926, in which the claim of the Southern Products Co. was denied. This bill provides for appropriating money, paying it out of the Treasury of the United States, regardless of the unfavorable decision of the Court of Claims. Why should we not follow the findings of the Court of Claims in this case?

Mr. SUMNERS of Texas. Mr. Speaker, I rise in opposition to the amendment.

The statement of the gentleman from Missouri is, not intentionally so, of course, but is somewhat misleading. This cotton company had about 10,000 bales of cotton stored in a warehouse in New York. There is no dispute about these facts. The space was commandeered by the Government during the war and this cotton was thrown out. This claim has been examined by two agencies of the Government. Each of those agencies ascertained that the damage was in the amount incorporated in this bill. In order that we may know what we are talking about, may I read the findings of fact by the Court of Claims, and also similar findings of fact by another agency of the Government, into the Record?

The Court of Claims said:

During the removal of the cotton, and while it was on the dock to which it was removed, the cotton was exposed to the weather and some of it was so damaged that it was unmarketable and useless unless it was reconditioned. The cotton was reconditioned by the plaintiff * * *.

And the court found that the damage was \$15,744.15. This is also the amount found by another Government

agency as the damage resulting from the act of the Government in commandeering this space.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. For a brief question; yes.

Mr. COCHRAN. I would kindly ask the gentleman to read the conclusion of law of the Court of Claims. I could have read it but I cut my statement short. Read where they made the plaintiff pay the costs.

Mr. SUMNERS of Texas. All right, I will read the conclusion of law. The conclusion of law is that this was not a taking of private property for a public use, so that the Government could be held for taking private property for a public use. They held, too, that it was not a settlement under the Dent Act, because the Government did not have a contract with these cotton people. The Government used the might of the great sovereign against a private citizen, from which two Government agencies found that the citizen suffered damages in the amount carried in this bill and no payment. Do I make myself clear?

Mr. COCHRAN. And the Court required the plaintiff to pay the costs.

Mr. SUMNERS of Texas. Mr. Speaker, I cannot yield further. The gentleman will not question my statement; I am going to repeat it: The Court of Claims found solemnly that the damage was the amount incorporated in this bill. The Court of Claims and all the agencies found that this company could not recover because damage did not arise out of any agreement between the Government and these cotton people. They were not asked to agree, they were thrown out on the street by the Government.

The sole question is, and it is upon the conscience of the Members of Congress, whether or not this Government can do this to a private citizen and the Congress will let it go without redress when two agencies of the Government solemnly determined that, as a result of the Government's act, a private citizen has suffered every cent that is asked in this bill. Can the Government do this and not pay for it? That is all there is to it.

[Here the gavel fell.]

The SPEAKER. The question is on the motion of the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. SUMNERS of Texas) there were—ayes 52, noes 64.

So the amendment was rejected.

UNION SHIPPING & TRADING CO., LTD.

The Clerk read as follows:

Title III—(H. R. 402. A bill for the relief of the Union Shipping & Trading Co., Ltd.)

That the claim of the Union Shipping & Trading Co., Ltd., against the United States of America for damages alleged to have been caused by a collision on April 25, 1918, near Pauillac, in the Gironde River, France, between the Spanish steamship *Consuelo* (at the time of the collision the British steamship *Reims*) and the American steamship *Berwind*, then in the transport service of the United States War Department, may be sued for by the said Union Shipping & Trading Co., Ltd., in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit (in accordance with the principles of libels in rem and/or in personam), and to enter a judgment or decree for the amount of such damages (including interest) and costs, if any, as shall be found to be due against the United States in favor of the said Union Shipping & Trading Co., Ltd., or against the said Union Shipping & Trading Co., Ltd., in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That at the trial of said suit the written report or reports concerning said collision made by the pilot, master, any officer or member of the crew of the steamship *Berwind*, who is not available to testify because he is dead or cannot be found, may be admitted in evidence: *Provided further*, That such notice of the said suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within 4 months of the date of the passage of this act.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Strike out all of title III.

Mr. COCHRAN. Mr. Speaker, this bill is for an \$85,000 claim of the owners of a ship that was being used as a transport in 1918 and which was in collision with a foreign vessel.

I read the last paragraph of a report by the Secretary of War at that time, Dwight Davis:

While I believe that the formal written reports of the master and members of the crew of the *Berwind* lack the value of the oral testimony of witnesses in court and that the Government may, to that extent, be handicapped in its defense, I am of the opinion that the trial of the issue is now warranted and therefore recommend favorable action on the bill.

Mr. BEITER. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I was fair; I read the last paragraph of the summary.

Mr. BEITER. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I hope the gentleman will let me proceed. This shows how fair I am to the gentleman. I read the favorable words of the Secretary of War on this \$85,000 claim. What more can you ask for?

This collision occurred in 1918; \$85,000 is involved. It should have been settled years ago and your Government is going to be handicapped to be asked to defend this suit at this time.

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. COSTELLO. Does the gentleman think we should authorize the Court of Claims to accept as evidence the written reports and statements of members of the crews of these ships where they are now dead or not available?

Mr. COCHRAN. I do not think so.

Mr. COSTELLO. In other words the Government would find itself in court without the opportunity of cross-examining or questioning various witnesses who have died subsequent to the time these statements were made?

Mr. COCHRAN. I think this House would be handicapping the Government by sending this case to the courts. The bill should be defeated.

Mr. BLAND. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, all I desire to do is to present the facts. The House may then pass on the measure. The crucial point involved is that raised by the gentleman from California. There was a collision between a British ship and an American ship. The British ship had anchored in a fog. The American ship came up and collided with it. This happened during the war. A notice was at once given that the British ship would assert a claim.

About 5 months after the accident the American ship, which was the offender, was torpedoed and lost, with all parties on board. It was then understood by the British ship that damages were recognized and negligence admitted. But subsequently negligence was denied by the United States.

A bill was first introduced about 1924 for permission to bring suit against the Government on this claim. There was objection to that bill because the witnesses for the United States Government were not available. They had been lost when the ship was torpedoed. Then this bill was introduced, which gave to the United States the right to introduce on its behalf all statements made by the master, the pilot, or any of the crew, those statements to be considered as testimony just as though taken in court.

Mr. Speaker, the question therefore is whether under those circumstances this Congress will permit the suit. This bill does not send the matter to the Court of Claims to be tried but to an admiralty court, which may weigh the evidence and determine the very fact that the gentleman from California raises. That court may determine whether these statements have the force and effect that should be accorded to oral testimony and weigh the Government's handicap. All of those facts may be considered. The sole question is whether you are willing that this matter shall be passed on by a court of our own country with this evidence before it, the Government's case being presented in the shape of written statements of the master, officers, and crew.

Mr. BUCK. Will the gentleman yield?

Mr. BLAND. I yield to the gentleman from California.

Mr. BUCK. Who is the claimant in this case?

Mr. BLAND. The Union Shipping & Trading Co., Ltd.
 Mr. BUCK. Is that a domestic corporation?
 Mr. BLAND. No; it is a British corporation.
 Mr. BUCK. They were the owners of the ship that was damaged?

Mr. BLAND. They were the owners of the ship that was damaged in the collision.

Mr. Speaker, with this statement I am perfectly willing to leave the matter entirely to the decision of the Members of the House.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and the Chair, being in doubt, the House divided, and there were—ayes 51, noes 38.

So the amendment was agreed to.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BANKHEAD. Mr. Speaker, it is rather late in the afternoon. We have a rather small membership present. There is a great deal of interest involved in these various claims. It is very apparent we cannot finish this bill this evening, which, of course, will preserve its status until the calendar is called again. Under the circumstances I think we might as well adjourn.

Mr. COCHRAN. Will the gentleman yield?

Mr. BANKHEAD. I yield to the gentleman from Missouri.

Mr. COCHRAN. I may say to the gentleman that we can finish this bill in 10 minutes. We can go through it very quickly. I can assure the gentleman I will not take more than a minute on each item.

Mr. BANKHEAD. I am anxious to get these bills disposed of.

Mr. COCHRAN. Why not get rid of this bill? There are bills coming on that should pass, and there are dozens of them.

Mr. BANKHEAD. I will withdraw the suggestion for the moment.

DAVID A. WRIGHT

The Clerk read as follows:

Title IV—(H. R. 2713. A bill granting jurisdiction to the Court of Claims to hear the case of David A. Wright.)

That the Court of Claims be, and hereby is, given jurisdiction to reinstate, reopen, and rehear the case of David A. Wright, of Winona, Mo., against the United States, no. 261-A in said court, and upon the pleadings, evidence, and other proceedings in that cause, and such other proceedings, if any, as the court may deem necessary or proper, to readjudicate the same and determine the amount of costs or expenditures, if any, which the said David A. Wright may have expended or incurred in 1918 in the rehabilitation of a manufacturing plant (commonly called the Allis-Chalmers plant), at 1150 Washtenaw Avenue, Chicago, Ill., and in the beginning of production of heavy-duty lathes, to meet the needs, or the then anticipated needs, of the Ordnance Department for any gun-relining or gun-manufacturing project initiated and under way in the Ordnance Department of the United States Army, in reliance in good faith upon any promise or assurance given him by Maj. Charles D. Westcott, Ordnance Department, United States Army, or Howard Abbott, an engineer in the plant section of the production division of the Ordnance Department, that the said David A. Wright would receive a contract, or contracts, for the manufacture of heavy-duty lathes that would absorb such costs or expenditures, notwithstanding such Ordnance Department projects may have been contingent upon the continuation of the war and may have been abandoned because of the signing of the armistice of November 11, 1918, and notwithstanding section 3744 of the Revised Statutes: *Provided*, That the Court of Claims shall be of opinion that the said David A. Wright made or incurred such expenditures in reliance in good faith upon the belief that Major Westcott or Mr. Abbott possessed the authority to make such promise or assurance on behalf of the Ordnance Department and that he was justified in doing so under the circumstances.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Strike out title IV.

Mr. COCHRAN. Mr. Speaker, this claimant lives in my own State, and, as a matter of fact, his nephew was in to see me Monday. I have gone into this matter very thoroughly. If you will read the bill, you will see this is the readjudication of the claim. It has already had its day in

court under the Dent Act. The claim was denied by the Court of Claims. Why send the case back to the Court of Claims for a hearing when it has already been denied? There must be an end somewhere. If the court or Department had not considered the case, then there might be some grounds for favorable action, but the court has already said the Government is not obligated.

Mr. WILLIAMS. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, it is just a question in this bill whether or not we are going to permit a mere technicality to defeat a just and righteous claim. This claim has never been heard on its merits.

The claimant in this case in 1918 was engaged in the manufacture of machine tools in Chicago. He was invited to Washington by a representative of the War Department and was introduced to Major Westcott, and a Mr. Abbott, of the Ordnance Department, who appealed to him to use his force and his manufacturing concern for the purpose of manufacturing heavy-duty lathes that were at that time needed in the prosecution of the war. He told them he was not prepared for that kind of work. They even appealed to his patriotism and told him it was his duty to go ahead. He finally consented and went back to Chicago, where he purchased an old building and rehabilitated it. He started to equip this building to manufacture these tools that were so much needed by the War Department on the representation and on the condition made by these officers of the Ordnance Department that they would give him a contract to manufacture these instruments—the heavy-duty lathes—that were needed at that time for the purpose of relining the cannon that were in actual use in the war.

In accordance with this agreement and understanding, he finally equipped this building; and just as he had it ready to begin the manufacture of the lathes, the Armistice came; and, of course, the Government had no further use for the lathes and the contract was canceled. As a result of this agreement, Mr. Wright, the claimant in this case, had gone back and put into the building and the equipment of it all the money he had, all he could borrow; and when his contract was canceled he then, of course, could not meet his obligations and was sold out and today is living down in the Ozarks of Missouri on a little piece of land, penniless and destitute because this Government did not carry out its contract with him.

All this bill asks is that he be given an opportunity to go into the Court of Claims and present his claim there on fair, equitable, and just grounds and establish his rights.

He is not one of these men or corporations that have made something out of a war contract. On the other hand, he did not receive a single dollar, but lost every dollar he had in the world on account of this agreement with the agents of the Ordnance Department. He was led into it and was persuaded and was induced by the representatives of the Government to enter into this contract, and now the only reason they have for not paying him is that under a technical construction of the Dent Act the men with whom he was dealing did not have the right to make a contract in writing with him. It is not denied that they had a right to go out and offer these inducements and make these contracts to procure this material that was needed by the Government at that time, but there is simply the one proposition that they did not have the technical right, in writing, to make a contract. All he asks is to permit his claim to be permitted to be heard in equity and in justice, and I beg you to vote against this amendment.

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 33, noes 54.

So the amendment was rejected.

FLORENCE BYVANK

The Clerk read as follows:

Title V—(H. R. 3694. A bill for the relief of Florence Byvank.)

That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to pay the amount of the insurance under the Government life-insurance policy (no. K720604) of Clarence A. Byvank to Florence Byvank, his widow and designated beneficiary, in accordance with the terms of such policy, beginning with the first calendar month following the month during which this act is

enacted, notwithstanding the lapse of such policy in December 1931. The insured, Clarence A. Byvank, applied for reinstatement of such policy in February 1932 and transmitted payment for back premiums thereon at the time of application, but died suddenly from monoxide-gas poisoning on March 30, 1932, before a report of his medical examination had been filed with the Veterans' Administration.

Mr. COCHRAN. Mr. Speaker, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Strike out title V.

Mr. COCHRAN. Mr. Speaker, I cannot understand why this bill was sent to the War Claims Committee. It is a bill requiring the Veterans' Bureau to pay an insurance policy on a veteran. The bill should have gone to the Committee on Veterans' Legislation. This is paving the way by private bills to reopening cases of veterans of the World War with respect to insurance claims denied by the Veterans' Administration. This is all that I have against it.

Mr. BIERMANN. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. BIERMANN. This bill was first referred to the World War Veterans' Committee, and that committee said it had no jurisdiction, and it came back here and was re-referred to the Committee on War Claims.

Mr. COCHRAN. Does the gentleman think the War Claims Committee has jurisdiction over veterans' cases?

Mr. BIERMANN. No; I thought the World War Veterans' Committee had jurisdiction, and it is not my fault it was referred to the War Claims Committee.

Mr. COCHRAN. The only point I make, I will say to the gentleman from Iowa, is the one I have just stated, as to the precedent you are setting. I do not say that the bill is not meritorious, but it is paving the way to the bringing in of thousands of claims growing out of insurance policies denied by the Veterans' Administration. Do you want to do that?

Mr. BIERMANN. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I think the Members will agree that the fact this bill was first referred to the World War Veterans' Committee and afterward re-referred to the War Claims Committee, ought to have no bearing on the vote this House is going to take now.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. BIERMANN. I yield.

Mr. COCHRAN. I fully agree with the gentleman. It should absolutely have no effect whatever, but I could not imagine how the bill got to the War Claims Committee. I fully agree with the gentleman that the only question is the principle involved.

Mr. BIERMANN. I agree with the gentleman from Missouri.

This bill involves a very simple proposition. A man named Clarence A. Byvank served during the war in this country and served overseas. He became hard up in the latter part of 1931, and, after having paid his insurance premiums for 14 years, he let them lapse because he did not have the money. The rules of the Veterans' Administration provide that within 3 months a veteran may reinstate his policy without physical examination.

Those 3 months were up on March 1, 1932. In February 1932 he sought reinstatement. That is brought out in the report. But he did not send his money to the Veterans' Administration at Des Moines. Why he did not send it I do not know. Whether he thought the letter reinstated him or not, no one knows, as the man is now dead.

He did not get the money in until March 10, 1932, 10 days after the time had elapsed.

The Veterans' Administration kept the premium and notified him that they had kept it and sent him a form for a health statement.

If a private insurance company had done that they would be estopped from denying the claim.

But before the veteran got back the health statement he was in his garage fixing his car. The doors blew shut, monoxide gas filled the garage, and the veteran died on the 30th day of March 1932.

The letter the Veterans' Administration had written him when they kept the premium lulled the veteran into a sense of security.

Mr. TABER. Will the gentleman yield?

Mr. BIERMANN. I yield.

Mr. TABER. What could he have done if he did not send them the money?

Mr. BIERMANN. He could have sent in his health statement.

Mr. TABER. He was behind time and it would not have made any difference.

Mr. BIERMANN. If the health statement had been filled out and he was in proper health he would have been reinstated.

Mr. TABER. Not unless he paid the money.

Mr. BIERMANN. He would have been reinstated, for he had paid the money.

Mr. TABER. Did they make a finding ultimately that he was in a proper state of health?

Mr. BIERMANN. The finding was that he was overweight. The man weighed 325 pounds when he got out of the Army. He weighed the same when he died. When he went into the Army he was far overweight, and no private insurance company would have found him an insurable risk. But the Army took him, and the Government insured him, overweight and all.

The SPEAKER pro tempore (Mr. TAYLOR of Colorado). The time of the gentleman has expired. All time has expired.

The question is on the motion of the gentleman from Missouri to strike out the title.

The question was taken; and on a division (demanded by Mr. TABER) there were 15 ayes and 55 noes.

So the motion was lost.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 37. An act authorizing the Comptroller General of the United States to settle and adjust the claims of subcontractors and materialmen for material and labor furnished in the construction of a post-office and courthouse building at Rutland, Vt.;

S. 1307. An act to establish the Homestead National Monument of America in Gage County, Nebr.;

S. 1453. An act to create a board of shorthand reporting, and for other purposes;

S. 1470. An act to provide a preliminary examination of Spokane River and its tributaries in the State of Idaho with a view to the control of their floods;

S. 3281. An act to amend the act of February 16, 1929, entitled "An act to amend the act entitled 'An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service', approved June 10, 1922, as amended";

S. 3453. An act limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to certain counsel; and

S. J. Res. 165. Joint resolution directing the Architect of the Capitol to accept a copy of the painting Lief Eiriksson Discovers America.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 443. Joint resolution to amend Public Resolution No. 31 of the Seventy-fourth Congress, first session, approved June 17, 1935, so as to extend its provisions to cover the National Boy Scout Jamboree now scheduled to be held in 1937.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. EVANS, indefinitely, on account of business.

To Mr. HOBBS, on account of important official business.

To Mr. STEAGALL, indefinitely, on account of illness.
 To Mr. TONRY, indefinitely, on account of illness.
 To Mr. ZIONCHECK, for 10 days, on account of important business.

Mr. MARTIN of Massachusetts. Mr. Speaker, I make the point of order that there is no quorum present.

ADJOURNMENT

Mr. COSTELLO. Mr. Speaker, I move that the House do now adjourn.

Mr. BIERMANN. Pending that, what will be the status of this omnibus bill?

The SPEAKER pro tempore. This bill will be the unfinished business the next time this calendar is called.

Mr. BIERMANN. And that will be a month from today?

The SPEAKER pro tempore. Whenever the date is.

The question is on the motion of the gentleman from California that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until tomorrow, Wednesday, March 18, 1936, at 12 o'clock noon.

COMMITTEE HEARING

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, old House Office Building, Wednesday, March 18, 1936, at 10:30 a. m., on H. R. 11172.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

719. A letter from the Secretary of War, transmitting a draft of a bill to promote the efficiency of the Air Corps Reserve, which the War Department presents for the consideration of Congress with a view to its enactment into law; to the Committee on Military Affairs.

720. A letter from the chairman of the Reconstruction Finance Corporation, transmitting its report covering its operation for the fourth quarter of 1935, and for the period from the organization of the corporation on February 2, 1932, to December 31, 1935, inclusive (H. Doc. No. 426); to the Committee on Banking and Currency and ordered to be printed.

721. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 12, 1936, submitting a report, together with accompanying papers on a preliminary examination of Bayou Rigaud, La., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

722. A letter from the Archivist, transmitting a report submitted by the National Historical Publications Commission; to the Committee on the Library.

723. A letter from the Secretary of the Treasury, transmitting a draft of a bill to amend the act entitled "An act to provide for the construction of certain public buildings and for other purposes" approved May 25, 1926 (44 Stat. 630), as amended January 13, 1928, and March 31, 1930; to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SABATH: Committee on Rules. House Resolution 451. Resolution providing for the consideration of S. 3978; without amendment (Rept. No. 2201). Referred to the House Calendar.

Mr. ROBINSON of Utah: Committee on the Public Lands. House Resolution 10922. A bill to provide for the administration and maintenance of the Blue Ridge Parkway, in the States of Virginia and North Carolina, by the Secretary of the Interior, and for other purposes; without amendment (Rept. No. 2202). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GOLDSBOROUGH: A bill (H. R. 11844) to extend to July 1, 1938, the power of the Federal Deposit Insurance Corporation to make loans, purchases of assets or guaranties to reduce or avert threatened insurance losses; to the Committee on Banking and Currency.

By Mr. KENNEDY of Maryland (by request): A bill (H. R. 11845) to provide for the adjustment and settlement of certain claims for damages resulting from the operation of vessels of the Coast Guard and Public Health Service; to the Committee on Claims.

By Mr. PERKINS: A bill (H. R. 11846) to validate certain certificates of naturalization; to the Committee on Immigration and Naturalization.

By Mr. ANDREWS of New York: A bill (H. R. 11847) providing for the payment by the United States of a share of the cost of operation and maintenance of the Erie and Oswego Canals; to the Committee on Rivers and Harbors.

By Mr. KELLER: A bill (H. R. 11848) to authorize retirement annuities for persons who serve as Librarian of Congress for 35 years; to the Committee on the Library.

Also, a bill (H. R. 11849) to amend an act entitled "An act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925; to the Committee on the Library.

By Mr. O'LEARY: A bill (H. R. 11850) providing for a preliminary examination of New Creek, Staten Island, N. Y., with a view to control of its floods; to the Committee on Flood Control.

Also, a bill (H. R. 11851) prohibiting the abandonment of vessels on the banks of navigable streams, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. QUINN: A bill (H. R. 11852) to regulate barbers in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 11853) to regulate the practice of professional engineering, creating a Registration Board for Professional Engineers of the District of Columbia, defining its powers and duties, providing penalties, and for other purposes; to the Committee on the District of Columbia.

By Mr. CURLEY: A bill (H. R. 11854) to provide for the erection of a monument to the memory of Gouverneur Morris; to the Committee on the Library.

By Mr. RISK: Resolution (H. Res. 452) authorizing and directing an investigation of all activities and projects of the Federal Emergency Administration of Public Works within and for the State of Rhode Island; to the Committee on Rules.

By Mr. BLOOM: Joint resolution (H. J. Res. 525) to enable the United States Constitution Sesquicentennial Commission to carry out and give effect to certain approved plans, and for other purposes; to the Committee on the Library.

By Mr. KELLER: Joint resolution (H. J. Res. 526) to authorize the Librarian of Congress to accept the property devised and bequeathed to the United States of America by the last will and testament of Joseph Pennell, deceased; to the Committee on the Library.

By Mr. O'LEARY: Joint resolution (H. J. Res. 527) to make the facilities of the United States Marine Hospital at Stapleton, N. Y., available for World War veterans in Richmond County, N. Y.; to the Committee on Merchant Marine and Fisheries.

By Mr. MARCANTONIO: Joint resolution (H. J. Res. 528) proposing an amendment to the Constitution of the United States prohibiting war; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GAVAGAN (by request): A bill (H. R. 11855) for the relief of Jona Sheftel Bloch; to the Committee on Immigration and Naturalization.

By Mr. GREENWOOD: A bill (H. R. 11856) granting a pension to Gertrude Gardner; to the Committee on Invalid Pensions.

By Mr. KNUTE HILL: A bill (H. R. 11857) granting a pension to Emma Zetta Bowden; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 11858) granting an increase of pension to Wren Torgerson; to the Committee on Pensions.

Also, a bill (H. R. 11859) for the relief of Lavina Karns; to the Committee on Claims.

By Mr. KENNEDY of Maryland (by request): A bill (H. R. 11860) to provide an additional sum for the reimbursement of certain officers and enlisted men of the Navy and Marine Corps for personal property lost, damaged, or destroyed as a result of the earthquake which occurred at Managua, Nicaragua, on March 31, 1931; to the Committee on Claims.

Also, a bill (H. R. 11861) for the relief of Cleveland L. Short; to the Committee on Claims.

Also (by request), a bill (H. R. 11862) for the relief of Homer Brett, American consul at Rotterdam, Netherlands; to the Committee on Claims.

Also (by request), a bill (H. R. 11863) for the relief of Clark F. Potts and Charles H. Barker; to the Committee on Claims.

Also (by request), a bill (H. R. 11864) for the relief of Dexter P. Cooper; to the Committee on Claims.

Also (by request), a bill (H. R. 11865) for the relief of the Alaska Commercial Co.; to the Committee on Claims.

Also (by request), a bill (H. R. 11866) for the relief of Harry L. Parker; to the Committee on Claims.

Also (by request), a bill (H. R. 11867) for the relief of Michael E. Sullivan; to the Committee on Claims.

Also (by request), a bill (H. R. 11868) for the relief of Brook House, Ltd., of Sidney, Australia; to the Committee on Claims.

Also (by request), a bill (H. R. 11869) for the relief of William L. Jenkins; to the Committee on Claims.

Also (by request), a bill (H. R. 11870) for the relief of the Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans, La.; to the Committee on Claims.

By Mr. KNUTSON (by request): A bill (H. R. 11871) to confer jurisdiction on the Court of Claims to hear and determine certain suits against the United States for damages sustained by the owners of certain sailing vessels; to the Committee on War Claims.

By Mr. LARRABEE: A bill (H. R. 11872) granting a pension to John G. Heck; to the Committee on Pensions.

Also, a bill (H. R. 11873) granting an increase of pension to Nora A. Kitchen; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 11874) granting an increase of pension to Elizabeth A. Richenberg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11875) granting an increase of pension to Sarah M. Flowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11876) granting an increase of pension to Mary A. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11877) granting an increase of pension to Margaret A. Hannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11878) granting an increase of pension to Tracy Huffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11879) granting an increase of pension to Anna R. Mongan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11880) granting a pension to Elizabeth Jane Barnhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11881) granting an increase of pension to Barbara Wiley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11882) granting a pension to Mazie Layman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11883) granting a pension to Georgana Layman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11884) granting a pension to Walter Clice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11885) granting a pension to Sarah E. Stephens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11886) granting an increase of pension to Annie E. Santman; to the Committee on Invalid Pensions.

By Mr. LEWIS of Colorado: A bill (H. R. 11887) granting a pension to Elizabeth L. Lloyd; to the Committee on Invalid Pensions.

By Mr. McCORMACK: A bill (H. R. 11888) for the relief of Albert Ginsburg; to the Committee on Naval Affairs.

Also, a bill (H. R. 11889) for the relief of Daniel R. Brown; to the Committee on Naval Affairs.

By Mr. MEAD: A bill (H. R. 11890) for the relief of Walter J. Dunn; to the Committee on Naval Affairs.

By Mr. PALMISANO: A bill (H. R. 11891) for the relief of John Logan Hilliard; to the Committee on Naval Affairs.

By Mr. RABAUT: A bill (H. R. 11892) for the relief of Ida M. Santini; to the Committee on Claims.

By Mr. UMSTEAD: A bill (H. R. 11893) for the relief of James W. Grist; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10546. By Mr. JOHNSON of Texas: Petition of M. H. Edmondson, vice president, Highway 34 Association of Greenville, Tex., favoring the Hayden-Cartwright proposal for expenditure of additional Federal funds for highways; to the Committee on Roads.

10547. Also, petition of Col. J. K. Hughes, president, J. K. Hughes Oil Co., and E. L. Smith, president, E. L. Smith Oil Co., both of Mexia, Tex., favoring the Disney import bill; to the Committee on Ways and Means.

10548. By Mr. KEE: Petition signed by 21 patrons of star route 16623, from Lindside to Greenville, W. Va., urging the enactment of legislation at this session which will extend existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10549. By Mr. MAVERICK: Several petitions containing approximately 300 names of the citizens of San Antonio, or Twentieth District of Texas, favoring the Pettengill bill (H. R. 3263); to the Committee on Interstate and Foreign Commerce.

10550. By Mr. PFEIFER: Petition of the New York Board of Trade, Inc., New York City, concerning postal rates charged within the greater city of New York; to the Committee on the Post Office and Post Roads.

10551. Also, petition of the New York State Motor Truck Association, Inc., New York, concerning the Pettengill bill (H. R. 3263); to the Committee on Interstate and Foreign Commerce.

10552. By Mr. RISK: Resolution of Glad Hand Class of Haven Church of the town of East Providence, R. I., requesting the House of Representatives of the United States of America to provide early hearings on motion-picture bills now in Congress and to provide adequate legal regulation for this industry and favoring the adoption of House bill 2999; to the Committee on Interstate and Foreign Commerce.

10553. Also, resolution of the Philathea Society of the Second Baptist Church of the town of East Providence, R. I., requesting the House of Representatives of the United States of America to provide early hearings on motion-picture bills now in Congress and to provide adequate legal regulation for this industry and favoring the adoption of House bill 2999; to the Committee on Interstate and Foreign Commerce.

10554. By Mr. TAYLOR of Colorado: Petitions from parents' and teachers' associations of Mesa County, Colo., urging legislation to establish freedom in the choice of films by abolishing block booking and blind selling of motion pictures; to the Committee on Interstate and Foreign Commerce.

10555. By Mr. THOMAS: Petition of various citizens of Glens Falls, asking passage of Guyer bill (H. R. 8739); to the Committee on the District of Columbia.